

**To:** OGC Ethics[OGC\_Ethics@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Thur 4/5/2018 5:08:54 PM  
**Subject:** FW: Record for "Review of Lease Agreement Under the Federal Ethics Regulations Regarding Gifts".docx  
Record for "Review of Lease Agreement Under the Federal Ethics Regulations Regarding Gifts".docx

FYI

**From:** Minoli, Kevin  
**Sent:** Wednesday, April 04, 2018 3:20 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** Record for "Review of Lease Agreement Under the Federal Ethics Regulations Regarding Gifts".docx



UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY  
Washington, DC

OFFICE OF  
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Record for "Review of Lease Agreement Under the Federal Ethics Regulations Regarding Gifts"

FROM: Kevin S. Minoli,  
Designated Agency Ethics Official &  
Principal Deputy General Counsel

TO: Matthew Z. Leopold  
General Counsel

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On March 30, 2018, I signed a memorandum entitled "Review of Lease Agreement Under the Federal Ethics Regulations Regarding Gifts" (Review). Questions have been raised as to the scope of the Review and the factual basis for it. Today's memorandum explains the scope of the Review and documents the factual basis for its conclusion.

**Scope of Review Under Ethics Regulations Regarding Gifts**

The Review addressed the terms of the lease as they were written in the lease agreement only. The Review did not evaluate how the property was actually used or whether the actual use was consistent with the terms of the lease. While questions regarding actual use had been raised, any evaluation of actual use would have been made on an incomplete factual record that would have been an inadequate basis for any determinations.

The memorandum concluded, after considering the factual record below, that the use of the property authorized by the terms of the lease would not constitute a gift. Individuals have noted that the Review used the words "did not" constitute a gift instead of "would not" constitute a gift, and understood that language to imply that the Review had evaluated the actual use that occurred; to be clear, despite use of the words "did not," the Review only addressed the terms of the lease as written.

## **Ethics Regulations Other than Those Regarding Gifts**

The Review addressed those parts of the Federal ethics regulations that regard gifts, but was not intended to and did not address other portions of the Federal ethics regulations such as the impartiality rule and the rules pertaining to misuse of position. It is important to note that the Federal ethics regulations regarding impartiality and misuse of position apply regardless of whether something is a prohibited gift. A federal employee must comply with the Standards of Ethical Conduct, including those relating to impartiality and misuse of position, at all times.

## **Factual Basis for the Conclusion**

Regulations promulgated by the Office of Government Ethics exclude from the definition of gift “Anything for which market value is paid by the employee.” The regulations then explain how an ethics official is to establish market value:

(c) *Market value* means the cost that a member of the general public would reasonably expect to incur to purchase the gift. An employee who cannot ascertain the market value of a gift may estimate its market value by reference to the retail cost of similar items of like quality. The market value of a gift of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is deemed to be the face value of the ticket.

A first step in ascertaining the market value of a gift is to identify and understand the item of value. Here, the item of value is the ability to use the space at 233 C Street as defined by the terms of the lease. In developing the Review, the ethics office examined the entire lease and highlight the following terms that were particularly relevant to the value of the lease:

- **Term:**  
39 Days from February 20, 2017, to April 1, 2017
- **Rent:**  
\$50 per day
  - Rent is “payable on the 1<sup>st</sup> day of each month of the term, in installments of \$500 on March 1, 2017 and any remaining balance on April 1, 2017 based on days of actual occupancy.” (emphasis removed)
- **Use of Premises:** To be used by Tenant and Tenant’s immediate family
  - “Tenant may store possessions on the premises when he is not occupying the bedroom assigned to him. There will be no charge for storage of limited personal items including clothing.”
- **Tenant’s Hold Over:** Provided for the possibility of new week-to-week tenancies

- **Quiet**  
**Enjoyment:** Limited to one bedroom
  - “Enjoyment is limited to one bedroom that cannot be locked. All other space is controlled by landlord. (*sic*) Landlord will attempt to notify Tenant if common space is to be utilized during early or late hours. No notice is required for usage during weekday business hours, 8am-6pm. Tenant shall provide Landlord’s representative (Vicki Hart) with a cell number for this and all required communications.” (emphasis removed)

When there is not a pre-established market, the regulation provides that that the ethics official may “estimate...market value by reference to the retail cost of similar items of like quality.” In order to estimate the market value of the use authorized by the terms of the lease, the ethics office reviewed the following information regarding similar items of like quality:

#### Daily Rentals for One Private Bedroom

- Because the rent was assessed per day based on days of actual occupancy, we reviewed the availability of a private bedroom available for rent by the day.
- Because the rentals are “similar” and of “like quality,” a cut-off of \$55 per day was used and rooms not suitable for an adult were removed from the list.
  - Within a six-block radius of 233 C St, NE, there were seven (7) private bedrooms that could be rented for \$55 or less/day (Exhibit 2)
  - Across a broader section of Capitol Hill, there were thirty-eight (38) private bedrooms that could be rented for \$55 or less/day (Exhibit 3)

#### Monthly Rental Units

- While the lease created something less than a month-to-month tenancy and did not provide exclusive use to the entire property, we reviewed available monthly rental units as potentially similar units to ensure thoroughness of the evaluation.
  - Capitol Hill is the 19<sup>th</sup> most expensive neighborhood for renting in Washington, DC with an average cost of a rental apartment of \$2,361/month
    - Source: <https://www.rentcafc.com/average-rent-market-trends/us/dc/washington/>
  - Rental units currently available within three blocks (less than 1/3 mile) of the location of the lease (Exhibit4) include:
    - Eight (8) 1BR units with an average price of \$2,173/month
    - Three (3) 2BR units with an average price of \$3,695



○

Zillow.com

Source:

The information demonstrates that there are several private rooms available to be rented on a per day basis for \$55 or less that are in close proximity to the exact location the leased space. Within the Capitol Hill neighborhood, there are multiple private rooms available at a per day rate equal to or less than the one included in the lease. When checked against the price of traditional month-to-month rentals that would most likely offer increased privacy and exclusivity of use, a converted amount of \$1,500 for tenant's portion of the rent under the lease is within the range of amounts charged for locations no further than three blocks away. Based on the foregoing, the ethics office estimated \$50/day to be a reasonable market value of the use authorized by the terms of the lease. As such, the use of the property according to the terms of the lease would not constitute a gift under the Federal ethics regulations.

**To:** Ross, Margaret[Ross.Margaret@epa.gov]; Duross, Jeanne[Duross.Jeanne@epa.gov]  
**Sent:** Wed 4/4/2018 6:31:22 PM  
**Subject:** fyi

Turns out it's good that I copied Kevin after all.

**From:** Minoli, Kevin  
**Sent:** Wednesday, April 04, 2018 1:59 PM  
**To:** Walter Shaub <WShaub@campaignlegalcenter.org>; Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** RE: Clarification of and Record For Review of Lease.docx

I am sorry, confusion on our end. In light of your incoming question regarding the language in the March 30 memo, I wanted to ensure we effectively resolved that confusion as to scope. We were not sending the entire document as it is in development and so that's why you do not see everything you might have expected. If you could give me a quick call that would be great.  
Thanks, Kevin

**Kevin S. Minoli**

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

**From:** Walter Shaub [<mailto:WShaub@campaignlegalcenter.org>]  
**Sent:** Wednesday, April 04, 2018 1:40 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Cc:** Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>  
**Subject:** Re: Clarification of and Record For Review of Lease.docx

# Ex. 5 - Deliberative Process

Sent from my iPhone

On Apr 4, 2018, at 1:24 PM, Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)> wrote:

Hi Walt,

Kevin Minoli asked me to forward this draft along to you.

Justina

**From:** Minoli, Kevin

**Sent:** Wednesday, April 04, 2018 1:21 PM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Subject:** Clarification of and Record For Review of Lease.docx

<Clarification of and Record For Review of Lease.docx>

**To:** Keith, Jennie[Keith.Jennie@epa.gov]; Griffo, Shannon[Griffo.Shannon@epa.gov]; Duross, Jeanne[Duross.Jeanne@epa.gov]; Ross, Margaret[Ross.Margaret@epa.gov]  
**Sent:** Wed 4/4/2018 12:17:12 AM  
**Subject:** RE: Press Statements Regarding the Friday Memo

Hi Jennie,

## Ex. 5 - Deliberative Process

**From:** Keith, Jennie  
**Sent:** Tuesday, April 03, 2018 6:29 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>; Duross, Jeanne <Duross.Jeanne@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>  
**Subject:** RE: Press Statements Regarding the Friday Memo

Hi Justina,

I had a couple questions just to be sure I understood the events correctly. I'm sorry I couldn't write earlier, but I was preoccupied with vetting an event for the Administrator this afternoon.

## Ex. 5 - Deliberative Process

Thanks!

Jennie for OGC/Ethics

**From:** Fugh, Justina

**Sent:** Tuesday, April 03, 2018 9:59 AM

**To:** Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>; Duross, Jeanne <[Duross.Jeanne@epa.gov](mailto:Duross.Jeanne@epa.gov)>; Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>; Ross, Margaret <[Ross.Margaret@epa.gov](mailto:Ross.Margaret@epa.gov)>

**Subject:** FW: Press Statements Regarding the Friday Memo

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

Justina

**From:** Bowman, Liz

**Sent:** Tuesday, April 03, 2018 8:59 AM

**To:** Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>

**Cc:** Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Leopold, Matt <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>; Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Subject:** Re: Press Statements Regarding the Friday Memo

# Ex. 5 - Deliberative Process

On Apr 2, 2018, at 10:49 PM, Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

Hi Folks- I want to make sure that whenever the agency is referring to the memo that I wrote on Friday we are referring to it in a way that is consistent with what it does and does not indicate that the memo does more than it did.

Today was the first day where I saw articles asking about specific actions the agency or the Administrator may have taken that have some alleged or real connection to the people were connected to the apartment. The memo from Friday in no way speaks to those actions, either by in endorsing them or calling them in the question. The memo addressed only the questions of whether the act of signing the lease or living in the space as described in the lease amounted to a prohibited gift. I stand behind my conclusion they were not.

The ethics rules and obligations continue to apply to any action the agency and the Administrator has taken or will take, however, and the fact that he has entered into a lease with Vicki Hart on behalf of 233C LLC may or may not be relevant to understanding how the ethics rules apply to any particular action. We have not been asked to advise on any particular action that has been taken or provide guidance on future actions, and so the memo cannot be cited in response to questions raised about actions other than signing the lease and living in the space consistent with the lease.

Again, I am happy to work with folks on specific statements as they arise or on a generic one that can be used whenever questions like these come in. Let me know how to help with those if you are interested.

Thanks, Kevin

**Pruitt Had a \$50-a-Day Condo Linked to Lobbyists. Their Client's Project Got Approved.**

The New York Times

The E.P.A. chief was using an apartment partly owned by the wife of the chairman of the lobbying firm as its client sought the agency's sign off on a pipeline project. [Read the full](#)

story

Shared from Apple News

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040



**To:** Duross, Jeanne[Duross.Jeanne@epa.gov]; Ross, Margaret[Ross.Margaret@epa.gov]; Keith, Jennie[Keith.Jennie@epa.gov]; Griffo, Shannon[Griffo.Shannon@epa.gov]  
**Sent:** Tue 4/3/2018 11:02:34 PM  
**Subject:** I had a long chat with Dave Apol today

Hi there,

## Ex. 5 - Deliberative Process

**To:** Blake, Wendy[Blake.Wendy@epa.gov]  
**Sent:** Mon 4/2/2018 3:38:35 PM  
**Subject:** Hi -- not sure what I'm supposed to do here

## **Ex. 5 - DPP/Attorney-Client**

**From:** Ray Converse [mailto:ray.converse@epa.gov] **Ex. 6 - Personal Privacy**  
**Sent:** Saturday, March 31, 2018 7:57 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** Condo question

Ms. Fugh

In March 2017, you said, " Because we work for the federal government, all EPA employees must abide by the Standards of Ethical Conduct and conflict of interest statutes. We have to be sure that the American public is able to trust that we carry out our jobs without any financial conflict, or inappropriate favoritism, or partisan political influence. My job is to help EPA employees understand their ethics rules and responsibilities. "

How does this square with your contention that Mr. Pruitt renting a room from an energy lobbyist was not improper or at least had the appearance of impropriety? What technique did you use to determine fair market value? What other favorable ethics rulings have you ever given Mr. Pruitt? Have you ever told him an action was inappropriate? Are you willing to tell truth to power in your position?

--

Ray Converse

**To:** OGC Ethics[OGC\_Ethics@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Fri 3/30/2018 11:15:27 PM  
**Subject:** an update  
Evaluation of Lease Agreement2018-03-30-152600.pdf

Hi there,

I certainly had an eventful day today, ranging from people calling me horrible names to other people just wanting me to know that they are thinking of me.

Good golly! What a weird 24 hours! In the dozen years I've been doing this job, I've never been asked about someone's rental agreement. For example, I have no idea about Gina McCarthy's living arrangements while she was the Administrator. And over the course of today, there are new details about Pruitt being dropped, like the fact that his daughter stayed there too. This is insane! Anyway, attached is the memo that Kevin Minoli wrote and signed today that concludes there isn't a gift issue here since Pruitt paid rent.

Happy weekend, everyone.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

## Ex. 5 - Deliberative Process

## **Ex. 5 - Deliberative Process**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Washington, D.C. 20460

MAR 30 2018

OFFICE OF  
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Review of Lease Agreement Under the Federal Ethics Regulations Regarding Gifts

FROM: Kevin S. Minoli *KS*  
Designated Agency Ethics Official &  
Principal Deputy General Counsel

TO: Matthew Z. Leopold  
General Counsel

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As requested, the Ethics Office reviewed the lease agreement entered into by E. Scott Pruitt (TENANT) and Vicki Hart (LANDLORD) under the federal ethics regulations regarding gifts. The regulations issued by the Office of Government Ethics are clear that if a federal employee pays market value for something, it is by definition not a gift under those regulations. 5 C.F.R. 2635.203(b)(10)(excluding from the definition of gift "[a]nything for which market value is paid by the employee"). Market value for rental apartments is commonly thought of in terms of rental cost per month. Under the terms of the lease, if the space was utilized for one 30-day month, then the rental cost would be \$1500, which is a reasonable market value. The lease authorized use by the Administrator and his immediate family, specifically including his spouse and children, and consistent with that provision of the lease his immediate family did stay there when they were in Washington, DC. The lease did not require payment when the property was not utilized. Neither of these two provisions render the rental cost under the lease as something other than market value. Therefore, entering into the lease was consistent with federal ethics regulations regarding gifts, and use of the property in accordance with the lease agreement did not constitute a gift as defined in those regulations.

**To:** Fugh, Justina[Fugh.Justina@epa.gov]  
**Cc:** zahra.hirji@buzzfeed.com[zahra.hirji@buzzfeed.com]  
**From:** JJ McElheney  
**Sent:** Fri 3/30/2018 10:47:55 PM  
**Subject:** Scott Pruitt Access

Dear Ms. Justina Fugh:

After reading Zahra's BuzzFeed's piece today referencing your ethics determination of a condo deal, the access issue to Scott Pruitt is one to seriously consider.

As a victim of an EPA documented water poisoning **Ex. 6 - Personal Privacy** I have asked for a meeting with Scott Pruitt for over a year to no avail. There is certainly discrimination involved here.

Thank you,

Jill Jennings-McElheney

Sent from AOL Mobile Mail

**Sent:** Fri 3/30/2018 10:05:21 PM  
[Evaluation of Lease Agreement2018-03-30-152600.pdf](#)

**To:** Fugh, Justina[Fugh.Justina@epa.gov]  
**From:** Jon Cole  
**Sent:** Fri 4/6/2018 2:24:25 PM  
**Subject:** Re: Hang in there ....

Yes ... ugh! With "friends" like that ....

I think I have your home email but feel free to send it to me from there (or "here" (EPA)), I try to minimize communication via EPA email.

Remember one of Jerry Bryan's bon mots - "this, too, shall pass!"

Jon

Sent from my iPad - with typos supplied by autocorrect

> On Apr 6, 2018, at 10:05 AM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

>

> Hi Jon,

> I've been living the ethics lawyer's nightmare, which is to be named in the news. But what a nice note from you and thanks for thinking of me! EPA political officials told me about this lease for the first time on Thursday, March 29. I was sitting in the Ballston movie theater, about to silence my phone, when I got a call from the General Counsel and Chief of Staff, saying that they needed to talk to me ASAP. It was 8:45 at night! Based on the facts they provided me, I made a quick determination about whether the lease as explained to me was an impermissible gift. The problem, as we know now, is that I wasn't given all of the facts. That's where the trouble began. Or maybe I should leave my phone in my car the next time I go to the movies.

> Justina

>

>

> -----Original Message-----

> From: Jon Cole [mailto:**Ex. 6 - Personal Privacy**]

> Sent: Friday, April 06, 2018 9:34 AM

> To: Fugh, Justina <Fugh.Justina@epa.gov>

> Subject: Hang in there ....

>

> Thinking of you ...

>

>

> Jon

>

> Sent from my iPad - with typos supplied by autocorrect



**To:** Fugh, Justina[Fugh.Justina@epa.gov]  
**From:** Messier, Dawn  
**Sent:** Fri 4/6/2018 2:12:14 PM  
**Subject:** RE: sending you ....

That is crazy!!! You should know that all of us career OGCers support you – we know firsthand the quality of your lawyering! I hope you get some well-deserved rest this weekend and, yes, leave the phone behind!

Dawn Messier

U.S.E.P.A.

Office of General Counsel

Water Law Office

202-564-5517

**From:** Fugh, Justina  
**Sent:** Friday, April 06, 2018 10:05 AM  
**To:** Messier, Dawn <Messier.Dawn@epa.gov>  
**Subject:** RE: sending you ....

Dawn,

I've been living the ethics lawyer's nightmare, which is to be named in the news. But what a nice note from you and thanks for thinking of me! EPA political officials told me about this lease for the first time on Thursday, March 29. I was sitting in the Ballston movie theater, about to silence my phone, when I got a call from the General Counsel and Chief of Staff, saying that they needed to talk to me ASAP. It was 8:45 at night! Based on the facts they provided me, I made a quick determination about whether the lease as explained to me was an impermissible gift. The problem, as we know now, is that I wasn't given all of the facts. That's where the trouble began. Or maybe I should leave my phone in my car the next time I go to the movies.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Messier, Dawn  
**Sent:** Friday, April 06, 2018 9:44 AM  
**To:** Fugh, Justina <[Fugh.Justina@cpa.gov](mailto:Fugh.Justina@cpa.gov)>  
**Subject:** sending you ....

An electronic hug.... That is all. Dawn

Dawn Messier

U.S.E.P.A.

Office of General Counsel

Water Law Office

202-564-5517

**To:** Fugh, Justina[Fugh.Justina@epa.gov]  
**From:** Taube David J  
**Sent:** Fri 4/6/2018 2:09:04 PM  
**Subject:** RE: just saying hi

To borrow some old gallows humor: "Other than that, Ms. Fugh, how was the movie?"

Hang in there!

- David

**From:** Fugh, Justina [mailto:Fugh.Justina@epa.gov]  
**Sent:** Friday, April 06, 2018 10:04 AM  
**To:** Taube David J  
**Subject:** RE: just saying hi

Hi David,

I've been living the ethics lawyer's nightmare, which is to be named in the news. But what a nice note from you and thanks for thinking of me! EPA political officials told me about this lease for the first time on Thursday, March 29. I was sitting in the Ballston movie theater, about to silence my phone, when I got a call from the General Counsel and Chief of Staff, saying that they needed to talk to me ASAP. It was 8:45 at night! Based on the facts they provided me, I made a quick determination about whether the lease as explained to me was an impermissible gift. The problem, as we know now, is that I wasn't given all of the facts. That's where the trouble began. Or maybe I should leave my phone in my car the next time I go to the movies.

Sigh.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Taube David J [mailto:David.J.Taube@IRSCOUNSEL.TREAS.GOV]  
**Sent:** Friday, April 06, 2018 9:48 AM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** just saying hi

Justina,

I saw your name in the paper this morning, and I'm sure things are turbulent in your office. So, I'm sending good wishes and encouragement. I know you're working hard for the public interest and I hope everything turns out well.

All the best,

David

**To:** Fugh, Justina[Fugh.Justina@epa.gov]  
**From:** Dennis, Brady  
**Sent:** Thur 4/5/2018 2:47:32 AM  
**Subject:** still up?

Justina,

So sorry to bother you late evening. We just saw the below info from CNN. Hoping to reach you to clarify. Is that possible?

From CNN: EPA's top ethics watchdog clarified his earlier analysis of whether Pruitt's rental arrangement broke the federal gift rule, saying he didn't have all the facts when evaluating the lease. Pruitt claimed he had been cleared.

-----  
Brady Dennis  
The Washington Post

Ex. 6 - Personal Privacy

brady.dennis@washpost.com  
@brady\_dennis

**To:** Fugh, Justina[Fugh.Justina@epa.gov]  
**From:** Minoli, Kevin  
**Sent:** Wed 4/4/2018 7:20:06 PM  
**Subject:** Record for "Review of Lease Agreement Under the Federal Ethics Regulations Regarding Gifts".docx  
Record for "Review of Lease Agreement Under the Federal Ethics Regulations Regarding Gifts".docx

**To:** Blake, Wendy[Blake.Wendy@epa.gov]; Fugh, Justina[Fugh.Justina@epa.gov]  
**From:** Youngblood, Charlotte  
**Sent:** Tue 4/3/2018 1:46:31 PM  
**Subject:** RE: Condo question

## Ex. 5 - DPP/Attorney Client

Charlotte Youngblood

Deputy Associate General Counsel

General Law Office

Office of General Counsel

U.S. Environmental Protection Agency

(202) 564-0283

[youngblood.charlotte@epa.gov](mailto:youngblood.charlotte@epa.gov)

**From:** Blake, Wendy  
**Sent:** Monday, April 2, 2018 5:26 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Cc:** Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>  
**Subject:** Re: Condo question

## Ex. 5 - DPP/Attorney Client

Wendy

Sent from my iPhone

On Apr 2, 2018, at 2:31 PM, Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)> wrote:

## Ex. 5 - DPP/Attorney-Client

**From:** Ray Converse [<mailto:> **Ex. 6 - Personal Privacy**]

**Sent:** Saturday, March 31, 2018 7:57 PM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Subject:** Condo question

Ms. Fugh

In March 2017, you said, " Because we work for the federal government, all EPA employees must abide by the Standards of Ethical Conduct and conflict of interest statutes. We have to be sure that the American public is able to trust that we carry out our jobs without any financial conflict, or inappropriate favoritism, or partisan political influence. My job is to help EPA employees understand their ethics rules and responsibilities. "

How does this square with your contention that Mr. Pruitt renting a room from an energy lobbyist was not improper or at least had the appearance of impropriety? What technique did you use to determine fair market value? What other favorable ethics rulings have you ever given Mr. Pruitt? Have you ever told him an action was inappropriate? Are you willing to tell truth to power in your position?

--

Ray Converse



**To:** Fugh, Justina[Fugh.Justina@epa.gov]  
**From:** Minoli, Kevin  
**Sent:** Wed 4/4/2018 5:21:14 PM  
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**To:** Fugh, Justina[Fugh.Justina@epa.gov]; Griffo, Shannon[Griffo.Shannon@epa.gov]; Duross, Jeanne[Duross.Jeanne@epa.gov]; Ross, Margaret[Ross.Margaret@epa.gov]  
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Jennie for OGC/Ethics

**From:** Fugh, Justina  
**Sent:** Tuesday, April 03, 2018 9:59 AM  
**To:** Griffo, Shannon <Griffo.Shannon@epa.gov>; Duross, Jeanne <Duross.Jeanne@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>  
**Subject:** FW: Press Statements Regarding the Friday Memo

Ex. 5 - Deliberative Process

# **Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

Justina

**From:** Bowman, Liz

**Sent:** Tuesday, April 03, 2018 8:59 AM

**To:** Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>

**Cc:** Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Leopold, Matt <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>; Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Subject:** Re: Press Statements Regarding the Friday Memo

## Ex. 5 - Deliberative Process

On Apr 2, 2018, at 10:49 PM, Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

Hi Folks- I want to make sure that whenever the agency is referring to the memo that I wrote on Friday we are referring to it in a way that is consistent with what it does and does not indicate that the memo does more than it did.

Today was the first day where I saw articles asking about specific actions the agency or the Administrator may have taken that have some alleged or real connection to the people were connected to the apartment. The memo from Friday in no way speaks to those actions, either by in endorsing them or calling them in the question. The memo addressed only the questions of whether the act of signing the lease or living in the space as described in the

lease amounted to a prohibited gift. I stand behind my conclusion they were not.

The ethics rules and obligations continue to apply to any action the agency and the Administrator has taken or will take, however, and the fact that he has entered into a lease with Vicki Hart on behalf of 233C LLC may or may not be relevant to understanding how the ethics rules apply to any particular action. We have not been asked to advise on any particular action that has been taken or provide guidance on future actions, and so the memo cannot be cited in response to questions raised about actions other than signing the lease and living in the space consistent with the lease.

Again, I am happy to work with folks on specific statements as they arise or on a generic one that can be used whenever questions like these come in. Let me know how to help with those if you are interested.

Thanks, Kevin

**Pruitt Had a \$50-a-Day Condo Linked to Lobbyists. Their Client's Project Got Approved.**

The New York Times

The E.P.A. chief was using an apartment partly owned by the wife of the chairman of the lobbying firm as its client sought the agency's sign off on a pipeline project. [Read the full story](#)

Shared from [Apple News](#)

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

**To:** Fugh, Justina[Fugh.Justina@epa.gov]  
**From:** Goo, Robert  
**Sent:** Tue 4/3/2018 8:10:06 PM  
**Subject:** Glad you are not constipated!

Justina,

I know you have the highest ethical standards and have complete confidence in your ability to smartly navigate through this.

Robert

**From:** Fugh, Justina  
**Sent:** Tuesday, April 03, 2018 3:45 PM  
**To:** Goo, Robert <Goo.Robert@epa.gov>  
**Subject:** RE: I hope you are doing ok - no need to reply

Hi there,

Oh, what a nice message! I'm okay, but I learned about this lease for the first time on Thursday, March 29. The facts I was given at the time ... 8:45 pm Thursday night ... were very limited. Much of what has been revealed in the news since Friday of last week was never shared with me and certainly did not factor into what I said on Thursday. This is insane!  
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Goo, Robert  
**Sent:** Tuesday, April 03, 2018 1:19 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** I hope you are doing ok - no need to reply

**To:** Fugh, Justina[Fugh.Justina@epa.gov]  
**From:** Cohen, Mitchell  
**Sent:** Mon 4/9/2018 3:47:28 PM  
**Subject:** RE: You left your cell on vibrate while in the theater??

Well that's a relief!

**From:** Fugh, Justina  
**Sent:** Monday, April 09, 2018 11:41 AM  
**To:** Cohen, Mitchell <cohen.mitchell@epa.gov>  
**Subject:** Re: You left your cell on vibrate while in the theater??

No no ! It was before the trailers even started!

Sent from my iPhone

On Apr 9, 2018, at 10:46 AM, Cohen, Mitchell <[cohen.mitchell@epa.gov](mailto:cohen.mitchell@epa.gov)> wrote:

Separately, Minoli's colleague, Justina Fugh, a senior ethics attorney and agency veteran, said she learned of Pruitt's unusual housing arrangement late last week when political aides called her while she was at the movies, told her the outlines of the lease and asked her for a quick ruling. She initially gave her approval based on the specifics they shared. Only later did she learn other details from news reports.



**To:** Fugh, Justina[Fugh.Justina@epa.gov]; OGC Ethics[OGC\_Ethics@epa.gov]  
**From:** Ross, Margaret  
**Sent:** Fri 4/6/2018 9:33:48 PM  
**Subject:** RE: Request for Further Evaluation of Ethics Matter

# Ex. 5 - Deliberative Process

**Margaret Ross** | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building  
Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221

**From:** Fugh, Justina  
**Sent:** Friday, April 6, 2018 3:42 PM  
**To:** Ross, Margaret <Ross.Margaret@epa.gov>; OGC Ethics <OGC\_Ethics@epa.gov>

**Subject:** RE: Request for Further Evaluation of Ethics Matter

## **Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Ross, Margaret

**Sent:** Friday, April 06, 2018 12:53 PM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>; OGC Ethics <[OGC\\_Ethics@epa.gov](mailto:OGC_Ethics@epa.gov)>

**Subject:** RE: Request for Further Evaluation of Ethics Matter

**Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

**Margaret Ross** | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building  
Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221

**From:** Fugh, Justina  
**Sent:** Friday, April 6, 2018 12:10 PM  
**To:** OGC Ethics <[OGC\\_Ethics@epa.gov](mailto:OGC_Ethics@epa.gov)>  
**Cc:** Jensen, LeAnn <[Jensen.Leann@epa.gov](mailto:Jensen.Leann@epa.gov)>  
**Subject:** FW: Request for Further Evaluation of Ethics Matter

# Ex. 5 - Deliberative Process

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Jeffry Fowley [[mailto:](#) **Ex. 6 - Personal Privacy**]  
**Sent:** Friday, April 06, 2018 11:54 AM  
**To:** Leopold, Matt <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>; Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** Request for Further Evaluation of Ethics Matter

This will follow up on a my phone call I just had with Ms. Fugh. I am requesting that your office conduct a further evaluation of whether the gift regulations or any other ethics regulations were violated by Administrator Pruitt in connection with the rental of a condo unit from Vicki Hart. When I was at EPA, such evaluations routinely were conducted when complaints were received from other persons even if the person whose conduct was to be evaluated had not asked for the evaluation. This should be done here, based on my request.

Mr. Minoli's March 30 memorandum has been clarified by his April 4 memorandum which acknowledges that at the time when the March 30 memorandum was written, your office did not have all the relevant facts. However, the April 4 memorandum fails to go on to evaluate whether - based on the true facts - any violation or violations of ethics regulations has occurred. This should now be determined by your office. When this evaluation has been completed, the results should be communicated to me - which also has been the standard practice in similar situations in the past.

The purpose of doing this further evaluation would be to be transparent, and to help to correct the damage done by the March 30 memorandum. Your office did do deficient work in issuing that memorandum without taking the time and making the effort then to acquire all of the relevant facts. While any further evaluation would analyze the situation only after the fact, this would be no different than what you already did when issuing the March 30 memorandum (after the fact). Also, if you were to find ethics violation by doing a further evaluation - using the true facts - your office could recommend corrective action (even after the fact). For example, you could advise that Mr. Pruitt should pay additional sums to the landlord, if it turns out that he did indeed rent the unit for below a market rate.

I tried to discuss this matter with Ms. Fugh in a civil manner, but she was hostile throughout the call and then hung up. She made it clear that she would not undertake this evaluation based solely on my request. Thus I am asking Mr. Leopold to overrule her and direct that this further evaluation be done.  
Jeffry Fowley



**To:** Fugh, Justina[Fugh.Justina@epa.gov]  
**Cc:** Dierker, Carl[Dierker.Carl@epa.gov]  
**From:** Jensen, LeAnn  
**Sent:** Fri 4/6/2018 7:41:31 PM  
**Subject:** RE: Request for Further Evaluation of Ethics Matter

I'm sorry, Justina, I should have scrolled down. The complaint was made by our own Jeff Fowley.

**Ex. 6 - Personal Privacy**

**Ex. 6 - Personal Privacy**

**From:** Fugh, Justina  
**Sent:** Friday, April 06, 2018 12:10 PM  
**To:** OGC Ethics <OGC\_Ethics@epa.gov>  
**Cc:** Jensen, LeAnn <Jensen.Leann@epa.gov>  
**Subject:** FW: Request for Further Evaluation of Ethics Matter

## Ex. 5 - Deliberative Process

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Jeffry Fowley [mailto:[Ex. 6 - Personal Privacy](#)]  
**Sent:** Friday, April 06, 2018 11:54 AM  
**To:** Leopold, Matt <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>; Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** Request for Further Evaluation of Ethics Matter

This will follow up on a my phone call I just had with Ms. Fugh. I am requesting that your office conduct a further evaluation of whether the gift regulations or any other ethics regulations were violated by Administrator Pruitt in connection with the rental of a condo unit from Vicki Hart. When I was at EPA, such evaluations routinely were conducted when complaints were received from other persons even if the person whose conduct was to be evaluated had not asked for the evaluation. This should be done here, based on my request.

Mr. Minoli's March 30 memorandum has been clarified by his April 4 memorandum which acknowledges that at the time when the March 30 memorandum was written, your office did not have all the relevant facts. However, the April 4 memorandum fails to go on to evaluate whether - based on the true facts - any violation or violations of ethics regulations has occurred. This should now be determined by your office. When this evaluation has been completed, the results should be communicated to me - which also has been the standard practice in similar situations in the past.

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I tried to discuss this matter with Ms. Fugh in a civil manner, but she was hostile throughout the call and then hung up. She made it clear that she would not undertake this evaluation based solely on my request. Thus I am asking Mr. Leopold to overrule her and direct that this further evaluation be done.  
Jeffry Fowley



**To:** Fugh, Justina[Fugh.Justina@epa.gov]  
**From:** Chang, Patrick  
**Sent:** Fri 4/6/2018 4:44:50 PM  
**Subject:** RE: I support you 100%

## Ex. 6 - Personal Privacy

**From:** Fugh, Justina  
**Sent:** Friday, April 06, 2018 11:34 AM  
**To:** Chang, Patrick <Chang.Patrick@epa.gov>  
**Subject:** RE: I support you 100%

## Ex. 6 - Personal Privacy

**From:** Chang, Patrick  
**Sent:** Friday, April 06, 2018 11:31 AM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** RE: I support you 100%

As soon as this story broke, I figured you were going to be in a bad spot. As more info was disclosed, I started to wonder if you'd had the whole story. And so it was.

## Ex. 6 - Personal Privacy

**From:** Fugh, Justina  
**Sent:** Friday, April 06, 2018 10:02 AM  
**To:** Chang, Patrick <Chang.Patrick@epa.gov>  
**Subject:** RE: I support you 100%

Hi Patrick,

I've been living the ethics lawyer's nightmare, which is to be named in the news. But what a nice note from you and thanks for thinking of me! EPA political officials told me about this lease for the first time on Thursday, March 29. I was sitting in the Ballston movie theater, about to silence my phone, when I got a call from the General Counsel and Chief of Staff, saying that they needed to talk to me ASAP. It was 8:45 at night! Based on the facts they provided me, I explained that the lease (for one room, not a full condo) was not an impermissible gift. Then, on Friday, the press reported additional information about the owner, her husband, and Pruitt's daughter that I wasn't told. That gift analysis I did in the movie theater lobby is still accurate, but I didn't have all of the facts.

Sigh.

Justina

PS —

**Ex. 6 - Personal Privacy**

**From:** Chang, Patrick

**Sent:** Friday, April 06, 2018 9:53 AM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Subject:** I support you 100%

Patrick S. Chang

US EPA, Office of General Counsel, Solid Waste & Emergency Response Law Office

202/564-1528 (office); 202/564-5416 (fax)

**To:** Fugh, Justina[Fugh.Justina@epa.gov]  
**From:** Jensen, LeAnn  
**Sent:** Fri 4/6/2018 4:13:15 PM  
**Subject:** RE: Request for Further Evaluation of Ethics Matter

## Ex. 5 - Deliberative Process

**From:** Fugh, Justina  
**Sent:** Friday, April 06, 2018 12:10 PM  
**To:** OGC Ethics <OGC\_Ethics@epa.gov>  
**Cc:** Jensen, LeAnn <Jensen.Leann@epa.gov>  
**Subject:** FW: Request for Further Evaluation of Ethics Matter

## Ex. 5 - Deliberative Process

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Jeffry Fowley [[mailto:](#) **Ex. 6 - Personal Privacy**]  
**Sent:** Friday, April 06, 2018 11:54 AM  
**To:** Leopold, Matt <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>; Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** Request for Further Evaluation of Ethics Matter

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Mr. Minoli's March 30 memorandum has been clarified by his April 4 memorandum which acknowledges that at the time when the March 30 memorandum was written, your office did not have all the relevant facts. However, the April 4 memorandum fails to go on to evaluate whether - based on the true facts - any violation or violations of ethics regulations has occurred. This should now be determined by your office. When this evaluation has been completed, the results should be communicated to me - which also has been the standard practice in similar situations in the past.

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I tried to discuss this matter with Ms. Fugh in a civil manner, but she was hostile throughout the call and then hung up. She made it clear that she would not undertake this evaluation based solely on my request. Thus I am asking Mr. Leopold to overrule her and direct that this further evaluation be done.  
Jeffry Fowley



**To:** Fugh, Justina[Fugh.Justina@epa.gov]  
**From:** Nina Chen Langenmayr  
**Sent:** Sat 3/31/2018 3:06:57 AM  
**Subject:** The Washington Post: As new details emerge, Scott Pruitt's housing arrangements come under scrutiny

As I was reading this article, I wondered “what’s Justina’s opinion “..and then poof, I saw your name!

**As new details emerge, Scott Pruitt’s housing arrangements come under scrutiny**  
The Washington Post

The EPA administrator initially rented part of a Capitol Hill condo — for an exceedingly good rate — from a health-care lobbyist. [Read the full story](#)

Shared from [Apple News](#)

Sent from my iPad

**To:** Fugh, Justina[Fugh.Justina@epa.gov]  
**From:** Steven Schooner  
**Sent:** Sat 3/31/2018 1:02:26 AM  
**Subject:** Re: very best wishes

Keep your head up!!!!

On Fri, Mar 30, 2018, 6:55 PM Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)> wrote:

Hi Steve,

What a nice note and thanks for thinking of me. Good golly! What a weird 24 hours! EPA political officials told me about this lease for the first time yesterday. I was sitting in the Ballston movie theater, about to silence my phone, when I got a call from the General Counsel and Chief of Staff. It was 8:45 at night! In the dozen years I've been doing this job, I've never been asked about someone's rental agreement. And over the course of today, there are new details being dropped. It's crazy!

Cheers,

Justina

**From:** Steven Schooner [mailto:[sschooner@law.gwu.edu](mailto:sschooner@law.gwu.edu)]  
**Sent:** Friday, March 30, 2018 6:07 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** very best wishes

Long time, no see my friend....

Thinking of you ... and sending positive energy in your direction today.

Thank you for your service.

I hope you have a wonderful weekend.

--

Steven L. Schooner

Nash & Cibinic Professor of Government Procurement Law

George Washington University

[Contact and info page](#)

Papers available on [SSRN-Schooner](#)

on Twitter at: [@ProfSchooner](#)



**To:** Fugh, Justina[Fugh.Justina@epa.gov]  
**From:** Zahra Hirji  
**Sent:** Sat 3/31/2018 12:04:17 AM  
**Subject:** Re: Media Request: Question About Pruitt Apt/Ethics

Thank you for spending so much of your time on the phone with me today. Here's my story, and I have received the official EPA memo on the subject.

One follow question: How did the EPA describe Pruitt's relationship with the Hart family. As you'll see in my story, a comment from Hart via his lawyers suggests they weren't that close.

Best,  
Zahra

On Fri, Mar 30, 2018 at 11:36 AM, Zahra Hirji <[zahra.hirji@buzzfeed.com](mailto:zahra.hirji@buzzfeed.com)> wrote:

Dear Justina Fugh,

I'm a reporter at BuzzFeed News writing about Pruitt's stay at house owned by the wife of an energy lobbyist and the ethics questions surrounding the arrangement. I saw that you have previously discussed this issue on the record, and am reaching out to hear about why Pruitt's stay at the townhouse near the Capital is or is not an ethical issue. I am available at

Ex. 6 - Personal Privacy

Best,  
Zahra Hirji

--

Zahra Hirji

Reporter

BuzzFeed News

Office: Ex. 6 - Personal Privacy

Cell: Ex. 6 - Personal Privacy

[Zahra.Hirji@buzzfeed.com](mailto:Zahra.Hirji@buzzfeed.com)

@zhirji28

--

Zahra Hirji

Reporter

BuzzFeed News

Office: Ex. 6 - Personal Privacy

Cell: Ex. 6 - Personal Privacy

[Zahra.Hirji@buzzfeed.com](mailto:Zahra.Hirji@buzzfeed.com)

@zhirji28

**To:** Fugh, Justina[Fugh.Justina@epa.gov]  
**Cc:** Packard, Elise[Packard.Elise@epa.gov]  
**From:** Minoli, Kevin  
**Sent:** Fri 3/30/2018 9:42:59 PM  
**Subject:** FW: Review of Lease Agreement  
[Evaluation of Lease Agreement2018-03-30-152600.pdf](#)

Justina- Thank you for your help on this review. I wanted to make sure and send you the final, signed document. Kevin

**Kevin S. Minoli**

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

**From:** Minoli, Kevin  
**Sent:** Friday, March 30, 2018 5:37 PM  
**To:** Leopold, Matt <Leopold.Matt@epa.gov>  
**Subject:** Review of Lease Agreement

Please see the attached. Kevin

**Kevin S. Minoli**

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064



**To:** Fugh, Justina[Fugh.Justina@epa.gov]  
**From:** Ebbs, Stephanie  
**Sent:** Fri 3/30/2018 8:16:12 PM  
**Subject:** Update on administrator's condo

Hi Justina,

I got your statement on the administrator's condo this morning but I saw the reports that there has been a change given the new information. Can you please let me know what your latest statement is as soon as possible?

Thanks so much

Stephanie Ebbs  
ABC News- Washington

Ex. 6 - Personal Privacy

**To:** Fugh, Justina[Fugh.Justina@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Fri 3/30/2018 6:52:05 PM  
**Subject:** RE: Comment on Pruitt's daughter staying at condo

202-309-0934

**From:** Fugh, Justina  
**Sent:** Friday, March 30, 2018 2:52 PM  
**To:** Wilcox, Jahan <wilcox.jahan@epa.gov>  
**Subject:** RE: Comment on Pruitt's daughter staying at condo

Okay, will do. What's your phone number for the people who are calling me directly?

**From:** Wilcox, Jahan  
**Sent:** Friday, March 30, 2018 2:51 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** RE: Comment on Pruitt's daughter staying at condo

Yes please forward them over. Thank you!

**From:** Fugh, Justina  
**Sent:** Friday, March 30, 2018 2:50 PM  
**To:** Wilcox, Jahan <wilcox.jahan@epa.gov>  
**Subject:** FW: Comment on Pruitt's daughter staying at condo

Hi Jahan,

I've been receiving calls today from reporters, asking me to confirm my statements to Bloomberg (which were on the record). I've said that I didn't know about the lease arrangement until yesterday but have re-explained what I said last night. I saw Kevin Minoli at 1 pm,

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

To that end, I am sending you this question that mentions a fact that I did not know (about the

daughter staying there too). I don't know if she had her own lease arrangement and paid separately.

Do you want me to send all of these sorts of calls to you now?  
justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Miranda Green [<mailto:mgreen@thehill.com>]  
**Sent:** Friday, March 30, 2018 2:03 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** Comment on Pruitt's daughter staying at condo

Hi Justina,

Looking to get a comment from you about the latest news that Scott Pruitt's daughter also stayed with him at his condo last summer while she interned at the White House.

I'd like to know if you find this an ethics violation, or more concerning than what you previously stated on the record. Also, did you know about this before you wrote that statement?

Zahra Hirji just tweeted that and I'd like to confirm that with you.

Best,

Miranda

--

Miranda Green

Energy and Environment Reporter, The Hill

**Ex. 6 - Personal Privacy**

[mgreen@thehill.com](mailto:mgreen@thehill.com)

[@mirandacgreen](#)

**To:** Fugh, Justina[Fugh.Justina@epa.gov]  
**From:** Miranda Green  
**Sent:** Fri 3/30/2018 6:03:06 PM  
**Subject:** Comment on Pruitt's daughter staying at condo

Hi Justina,

Looking to get a comment from you about the latest news that Scott Pruitt's daughter also stayed with him at his condo last summer while she interned at the White House.

I'd like to know if you find this an ethics violation, or more concerning than what you previously stated on the record. Also, did you know about this before you wrote that statement?

Zahra Hirji just tweeted that and I'd like to confirm that with you.

Best,  
Miranda

--

Miranda Green  
Energy and Environment Reporter, The Hill  

Ex. 6 - Personal Privacy

[mgreen@thehill.com](mailto:mgreen@thehill.com)  
[@mirandacgreen](#)



**To:** Fugh, Justina[Fugh.Justina@epa.gov]  
**From:** Biesecker, Michael  
**Sent:** Fri 3/30/2018 2:59:39 PM  
**Subject:** AP story

<https://www.apnews.com/7cc46ae1be9e4bd3b041ecff142e1af6/EPA's-Pruitt-lived-in-DC-condo-connected-to-energy-lobbyist>



**ASSOCIATED PRESS**

**Michael Biesecker**

1100 13 St. NW, Suite 700

Investigative Reporter

Washington, D.C. 20005-4076

[mbiesecker@ap.org](mailto:mbiesecker@ap.org)

Twitter: @mbieseck

[Public Key](#)

T Ex. 6 - Personal Privacy

M Ex. 6 - Personal Privacy

Have a tip for the Associated Press? We have a secure way to send it to us, anonymously. Follow this link for instructions: [www.ap.org/tips](http://www.ap.org/tips)

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“There are only two forces that can carry light to all corners of the globe – the sun in the heavens and The Associated Press down here.” -- – Mark Twain, 1906

“I go with Custer and will be at the death.” – AP reporter Mark Kellogg’s final dispatch from the Battle of the Little Bighorn, 1876

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**To:** Fugh, Justina[Fugh.Justina@epa.gov]  
**Cc:** Leopard, Matthew[Leopard.Matthew@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Fri 3/30/2018 1:48:46 AM  
**Subject:** Re: Confirmation of my determination

Received. Thanks.

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy

> On Mar 29, 2018, at 9:11 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:  
>  
> Hi there,  
> You have asked whether the fact that the administrator leased one room efficiency in a house owned by a friend who happens to be a federally registered lobbyist present an ethics concern. It does not. He signed a lease and paid rent on that one room. The fact that the landlord may be a lobbyist is not a concern because I don't conclude that this is a prohibited gift at all. It was a routine business transaction and permissible even if from a personal friend.  
> Justina  
>  
> Justina Fugh, senior Counsel for Ethics  
>  
> Sent from my iPhone

**To:** Jon Cole [Ex. 6 - Personal Privacy]  
**From:** Fugh, Justina  
**Sent:** Fri 4/6/2018 2:05:03 PM  
**Subject:** RE: Hang in there ....

Hi Jon,

I've been living the ethics lawyer's nightmare, which is to be named in the news. But what a nice note from you and thanks for thinking of me! EPA political officials told me about this lease for the first time on Thursday, March 29. I was sitting in the Ballston movie theater, about to silence my phone, when I got a call from the General Counsel and Chief of Staff, saying that they needed to talk to me ASAP. It was 8:45 at night! Based on the facts they provided me, I made a quick determination about whether the lease as explained to me was an impermissible gift. The problem, as we know now, is that I wasn't given all of the facts. That's where the trouble began. Or maybe I should leave my phone in my car the next time I go to the movies.

Justina

-----Original Message-----

**From:** Jon Cole [mailto: [Ex. 6 - Personal Privacy]  
**Sent:** Friday, April 06, 2018 9:34 AM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** Hang in there ....

Thinking of you ...

Jon

Sent from my iPad - with typos supplied by autocorrect

**To:** Messier, Dawn[Messier.Dawn@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Fri 4/6/2018 2:04:41 PM  
**Subject:** RE: sending you ....

Dawn,

I've been living the ethics lawyer's nightmare, which is to be named in the news. But what a nice note from you and thanks for thinking of me! EPA political officials told me about this lease for the first time on Thursday, March 29. I was sitting in the Ballston movie theater, about to silence my phone, when I got a call from the General Counsel and Chief of Staff, saying that they needed to talk to me ASAP. It was 8:45 at night! Based on the facts they provided me, I made a quick determination about whether the lease as explained to me was an impermissible gift. The problem, as we know now, is that I wasn't given all of the facts. That's where the trouble began. Or maybe I should leave my phone in my car the next time I go to the movies.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Messier, Dawn  
**Sent:** Friday, April 06, 2018 9:44 AM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** sending you ....

An electronic hug.... That is all. Dawn

Dawn Messier

U.S.E.P.A.

Office of General Counsel

Water Law Office

202-564-5517

**To:** Taube David J[David.J.Taube@IRSCOUNSEL.TREAS.GOV]  
**From:** Fugh, Justina  
**Sent:** Fri 4/6/2018 2:04:08 PM  
**Subject:** RE: just saying hi

Hi David,

I've been living the ethics lawyer's nightmare, which is to be named in the news. But what a nice note from you and thanks for thinking of me! EPA political officials told me about this lease for the first time on Thursday, March 29. I was sitting in the Ballston movie theater, about to silence my phone, when I got a call from the General Counsel and Chief of Staff, saying that they needed to talk to me ASAP. It was 8:45 at night! Based on the facts they provided me, I made a quick determination about whether the lease as explained to me was an impermissible gift. The problem, as we know now, is that I wasn't given all of the facts. That's where the trouble began. Or maybe I should leave my phone in my car the next time I go to the movies.

Sigh.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Taube David J [mailto:David.J.Taube@IRSCOUNSEL.TREAS.GOV]  
**Sent:** Friday, April 06, 2018 9:48 AM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** just saying hi

Justina,

I saw your name in the paper this morning, and I'm sure things are turbulent in your office. So, I'm sending good wishes and encouragement. I know you're working hard for the public interest and I hope everything turns out well.

All the best,

David



**To:** Ross, Margaret[Ross.Margaret@epa.gov]; Duross, Jeanne[Duross.Jeanne@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Thur 4/5/2018 5:07:52 PM  
**Subject:** RE: fyi

## Ex. 5 - Deliberative Process

**From:** Ross, Margaret  
**Sent:** Wednesday, April 04, 2018 3:27 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>; Duross, Jeanne <Duross.Jeanne@epa.gov>  
**Subject:** RE: fyi

### Ex. 5 - Deliberative Process

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building  
Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221

**From:** Fugh, Justina  
**Sent:** Wednesday, April 4, 2018 2:32 PM  
**To:** Ross, Margaret <Ross.Margaret@epa.gov>; Duross, Jeanne <Duross.Jeanne@epa.gov>  
**Subject:** fyi

**From:** Minoli, Kevin  
**Sent:** Wednesday, April 04, 2018 1:59 PM  
**To:** Walter Shaub <WShaub@campaignlegalcenter.org>; Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** RE: Clarification of and Record For Review of Lease.docx

I am sorry, confusion on our end. In light of your incoming question regarding the language in the March 30 memo, I wanted to ensure we effectively resolved that confusion as to scope. We were not sending the entire document as it is in development and so that's why you do not see

everything you might have expected. If you could give me a quick call that would be great.  
Thanks, Kevin

**Kevin S. Minoli**

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

**From:** Walter Shaub [<mailto:WShaub@campaignlegalcenter.org>]  
**Sent:** Wednesday, April 04, 2018 1:40 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Cc:** Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>  
**Subject:** Re: Clarification of and Record For Review of Lease.docx

This confuses me. My understanding was that Kevin believed the lease entitled the Administrator to occupy only one room in the residence, and he mentioned to me in our conversation that he assessed comparables by looking up Air B&B rates for renting one room in a residence. In fact, he showed me a printout that he had converted to PDF. So I'm confused by the discussion at the end of this draft memo that discusses average rates for renting whole residences. Did I misunderstand Kevin? In other words, was the ethics analysis based on occupying one room or was it based on renting the whole residence? If so, why does this draft say otherwise? Will the memo include the PDF he showed me as an attachment?

Sent from my iPhone

On Apr 4, 2018, at 1:24 PM, Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)> wrote:

Hi Walt,

Kevin Minoli asked me to forward this draft along to you.

Justina

**From:** Minoli, Kevin

**Sent:** Wednesday, April 04, 2018 1:21 PM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Subject:** Clarification of and Record For Review of Lease.docx

<Clarification of and Record For Review of Lease.docx>

**Cc:** Leopard, Matthew[Leopard.Matthew@epa.gov]  
**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Fri 3/30/2018 1:11:02 AM  
**Subject:** Confirmation of my determination

Hi there,

You have asked whether the fact that the administrator leased one room efficiency in a house owned by a friend who happens to be a federally registered lobbyist present an ethics concern. It does not. He signed a lease and paid rent on that one room. The fact that the landlord may be a lobbyist is not a concern because I don't conclude that this is a prohibited gift at all. It was a routine business transaction and permissible even if from a personal friend.

Justina

Justina Fugh, senior Counsel for Ethics

Sent from my iPhone

**To:** Griffo, Shannon[Griffo.Shannon@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Mon 4/2/2018 10:16:23 PM  
**Subject:** FW: Update on FOIA Request no. EPA-HQ-2017-005504  
[Evaluation-of-Lease-Agreement2018-03-30-152600.pdf](#)

## Ex. 5 - Deliberative Process

**From:** Conor Shaw [mailto:cshaw@citizensforethics.org]  
**Sent:** Monday, April 02, 2018 5:54 PM  
**To:** Griffo, Shannon <Griffo.Shannon@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>  
**Cc:** Anne Weismann <aweismann@citizensforethics.org>  
**Subject:** Re: Update on FOIA Request no. EPA-HQ-2017-005504

Ms. Griffo and Ms. Fugh,

Thank you for your recent update on CREW's FOIA request no. EPA-HQ-2017-005504. I am taking over this matter from my colleague Anne Weismann.

By phone call and email on May 19, 2017, CREW previously agreed to narrow the scope of its request to communications between Ms. Fugh and Administrator Pruitt about ethical matters related to Administrator Pruitt. That agreement was based on EPA's representation that Ms. Fugh was the individual who "discussed ethics-related matters with Administrator Pruitt."

On March 30, 2018, the EPA released the attached memorandum, which reviews whether Administrator Pruitt's lease is in compliance with federal ethics regulations regarding gifts. The memo is authored by Kevin S. Minoli, who is listed as the "Designated Agency Ethics Official."

In light of this information suggesting that at least one individual other than Ms. Fugh has communicated about ethical matters involving Administrator Pruitt, CREW believes that its FOIA request should be fairly construed as requesting all records of such communications between any designated agency ethics officer and Administrator Pruitt.

Please advise me of EPA's position on this issue by next Tuesday, April 10, 2018.

Many thanks,

Conor

--

Conor Shaw | Counsel

Citizens for Responsibility and Ethics in Washington (CREW)

455 Massachusetts Ave., N.W. | Washington, DC 20001

[cshaw@citizensforethics.org](mailto:cshaw@citizensforethics.org) | **Ex. 6 - Personal Privacy**

---

CREW | Citizens for Responsibility and Ethics in Washington  
Main: (202) 408-5565 | Fax: (202) 588-5020 | [www.citizensforethics.org](http://www.citizensforethics.org)

---

**To:** Keith, Jennie[Keith.Jennie@epa.gov]; Griffo, Shannon[Griffo.Shannon@epa.gov]; Duross, Jeanne[Duross.Jeanne@epa.gov]; Ross, Margaret[Ross.Margaret@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Wed 4/4/2018 12:32:41 AM  
**Subject:** RE: Press Statements Regarding the Friday Memo

Hi Jennie,

## Ex. 5 - Deliberative Process

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Keith, Jennie  
**Sent:** Tuesday, April 03, 2018 6:29 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>;  
Duross, Jeanne <Duross.Jeanne@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>  
**Subject:** RE: Press Statements Regarding the Friday Memo

Hi Justina,

I had a couple questions just to be sure I understood the events correctly. I'm sorry I couldn't

write earlier, but I was preoccupied with vetting an event for the Administrator this afternoon.

## Ex. 5 - Deliberative Process

Thanks!

Jennie for OGC/Ethics

**From:** Fugh, Justina

**Sent:** Tuesday, April 03, 2018 9:59 AM

**To:** Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>; Duross, Jeanne <[Duross.Jeanne@epa.gov](mailto:Duross.Jeanne@epa.gov)>; Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>; Ross, Margaret <[Ross.Margaret@epa.gov](mailto:Ross.Margaret@epa.gov)>

**Subject:** FW: Press Statements Regarding the Friday Memo

## Ex. 5 - Deliberative Process



## **Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

Justina

**From:** Bowman, Liz

**Sent:** Tuesday, April 03, 2018 8:59 AM

**To:** Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>

**Cc:** Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>;

Leopold, Matt <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>; Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Subject:** Re: Press Statements Regarding the Friday Memo

## Ex. 5 - Deliberative Process

On Apr 2, 2018, at 10:49 PM, Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

Hi Folks- I want to make sure that whenever the agency is referring to the memo that I wrote on Friday we are referring to it in a way that is consistent with what it does and does not indicate that the memo does more than it did.

Today was the first day where I saw articles asking about specific actions the agency or the Administrator may have taken that have some alleged or real connection to the people were connected to the apartment. The memo from Friday in no way speaks to those actions, either by in endorsing them or calling them in the question. The memo addressed only the questions of whether the act of signing the lease or living in the space as described in the lease amounted to a prohibited gift. I stand behind my conclusion they were not.

The ethics rules and obligations continue to apply to any action the agency and the Administrator has taken or will take, however, and the fact that he has entered into a lease with Vicki Hart on behalf of 233C LLC may or may not be relevant to understanding how the ethics rules apply to any particular action. We have not been asked to advise on any particular action that has been taken or provide guidance on future actions, and so the memo cannot be cited in response to questions raised about actions other than signing the lease and living in the space consistent with the lease.

Again, I am happy to work with folks on specific statements as they arise or on a generic one that can be used whenever questions like these come in. Let me know how to help with those if you are interested.

Thanks, Kevin

**Pruitt Had a \$50-a-Day Condo Linked to Lobbyists. Their Client's Project Got Approved.**

The New York Times

The E.P.A. chief was using an apartment partly owned by the wife of the chairman of the lobbying firm as its client sought the agency's sign off on a pipeline project. [Read the full story](#)

Shared from [Apple News](#)

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

**To:** Duross, Jeanne[Duross.Jeanne@epa.gov]; Ross, Margaret[Ross.Margaret@epa.gov]; Keith, Jennie[Keith.Jennie@epa.gov]; Griffo, Shannon[Griffo.Shannon@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Wed 4/4/2018 12:06:15 AM  
**Subject:** I had a long chat with Dave Apol today

Hi there,

## Ex. 5 - Deliberative Process

Justina

**To:** Goo, Robert[Goo.Robert@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Tue 4/3/2018 7:44:57 PM  
**Subject:** RE: I hope you are doing ok - no need to reply

Hi there,

Oh, what a nice message! I'm okay, but I learned about this lease for the first time on Thursday, March 29. The facts I was given at the time ... 8:45 pm Thursday night ... were very limited. Much of what has been revealed in the news since Friday of last week was never shared with me and certainly did not factor into what I said on Thursday. This is insane!  
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Goo, Robert  
**Sent:** Tuesday, April 03, 2018 1:19 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** I hope you are doing ok - no need to reply

**To:** Taube David J [David.J.Taube@IRSCOUNSEL.TREAS.GOV]  
**From:** Fugh, Justina  
**Sent:** Fri 4/6/2018 4:15:02 PM  
**Subject:** RE: just saying hi

## Ex. 6 - Personal Privacy

**From:** Taube David J [mailto:David.J.Taube@IRSCOUNSEL.TREAS.GOV]  
**Sent:** Friday, April 06, 2018 10:09 AM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** RE: just saying hi

To borrow some old gallows humor: "Other than that, Ms. Fugh, how was the movie?"

Hang in there!

- David

**From:** Fugh, Justina [mailto:Fugh.Justina@epa.gov]  
**Sent:** Friday, April 06, 2018 10:04 AM  
**To:** Taube David J  
**Subject:** RE: just saying hi

Hi David,

I've been living the ethics lawyer's nightmare, which is to be named in the news. But what a nice note from you and thanks for thinking of me! EPA political officials told me about this lease for the first time on Thursday, March 29. I was sitting in the Ballston movie theater, about to silence my phone, when I got a call from the General Counsel and Chief of Staff, saying that

they needed to talk to me ASAP. It was 8:45 at night! Based on the facts they provided me, I made a quick determination about whether the lease as explained to me was an impermissible gift. The problem, as we know now, is that I wasn't given all of the facts. That's where the trouble began. Or maybe I should leave my phone in my car the next time I go to the movies.

Sigh.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Taube David J [<mailto:David.J.Taube@IRSCOUNSEL.TREAS.GOV>]  
**Sent:** Friday, April 06, 2018 9:48 AM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** just saying hi

Justina,

I saw your name in the paper this morning, and I'm sure things are turbulent in your office. So, I'm sending good wishes and encouragement. I know you're working hard for the public interest and I hope everything turns out well.

All the best,

David





**To:** Blake, Wendy[Blake.Wendy@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Mon 4/2/2018 6:31:55 PM  
**Subject:** FW: Condo question

## Ex. 5 - DPP/Attorney Client

**From:** Ray Converse [mailto:Ray.Converse@epa.gov] **Ex. 6 - Personal Privacy**  
**Sent:** Saturday, March 31, 2018 7:57 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** Condo question

Ms. Fugh

In March 2017, you said, " Because we work for the federal government, all EPA employees must abide by the Standards of Ethical Conduct and conflict of interest statutes. We have to be sure that the American public is able to trust that we carry out our jobs without any financial conflict, or inappropriate favoritism, or partisan political influence. My job is to help EPA employees understand their ethics rules and responsibilities. "

How does this square with your contention that Mr. Pruitt renting a room from an energy lobbyist was not improper or at least had the appearance of impropriety? What technique did you use to determine fair market value? What other favorable ethics rulings have you ever given Mr. Pruitt? Have you ever told him an action was inappropriate? Are you willing to tell truth to power in your position?

--

Ray Converse

**To:** Ex. 6 - Personal Privacy  
**From:** Fugh, Justina  
**Sent:** Mon 4/2/2018 6:17:17 PM  
**Subject:** FW: Victims of EPA Corruption - Past, Present & Future

Hi Ex. 6 - Personal Privacy

I'm not sure what to do with this note other than to send it to the IG's office for possible investigation.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** JJ McElheney [mailto:Ex. 6 - Personal Privacy]  
**Sent:** Sunday, April 01, 2018 1:05 PM  
**To:** Minoli, Kevin <Minoli.Kevin@epa.gov>  
**Cc:** Fugh, Justina <Fugh.Justina@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; cindy.crick@mail.house.gov; jessica.hayes@mail.house.gov; keri.gardner@mail.house.gov; Sinks, Tom <Sinks.Tom@epa.gov>; Grifo, Francesca <Grifo.Francesca@epa.gov>; Tejada, Matthew <Tejada.Matthew@epa.gov>; Etzel, Ruth <Etzel.Ruth@epa.gov>; Barone, Stan <Barone.Stan@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Messier, Dawn <Messier.Dawn@epa.gov>; Grevatt, Peter <Grevatt.Peter@epa.gov>; Elkins, Arthur <Elkins.Arthur@epa.gov>; Larsen, Alan <Larsen.Alan@epa.gov>; Brown, Clay <Brown.Clay@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>  
**Subject:** Victims of EPA Corruption - Past, Present & Future

Dear Mr. Minoli,

EPA Administrator, Scott Pruitt, has definite accountability issues regarding his easy access by

residing in a lobbyist owned condo.

He and his staff have refused for over a year to meet with victims of the industry he is linked to here for his family living arrangements associated with a questionable energy trip to Morocco.

Scott Pruitt, and any EPA staff shielding him for this behavior, including covert meetings with lobbyists and environmental law breakers, while discriminating against victims, should be investigated for not only ethical violations but criminal conduct.

This undermining and compromising of the mission of EPA is a perpetrators' paradise. As an envirovictim of a water poisoning that nearly killed my son and poisoned my EJ community, I request this matter not systemically be swept under the rug by you and Ms. Pugh.

This is a very serious matter involving withheld regulatory protection of American citizens, including pregnant women and their offspring, in exchange for the personal benefit of Scott Pruitt.

The proper authorities must investigate any violations thoroughly. Victims of Scott Pruitt's duplicity must be identified if potential crimes and collusion are uncovered with any law breakers he keeps company with.

Discrimination has already occurred in the disproportionate access Scott Pruitt has given to abusers of environmental law. Victims are to be given equal access at this time.

Scott Pruitt and the EPA staff accommodating his behavior to deliberately place people in harm's way of environmental hazards should not be tolerated and excused.

I look forward to hearing from you regarding this matter.

Sincerely,

Jill Jennings-McElheney

Sent from AOL Mobile Mail

**To:** Nina Chen Langenmayr  
**From:** Fugh, Justina  
**Sent:** Mon 4/2/2018 3:33:37 PM  
**Subject:** RE: The Washington Post: As new details emerge, Scott Pruitt's housing arrangements come under scrutiny

**Ex. 6 - Personal Privacy**

Yep. It's the ethics lawyer's worst nightmare: being named in the press.

**From:** Nina Chen Langenmayr [mailto:  
**Sent:** Friday, March 30, 2018 11:07 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** The Washington Post: As new details emerge, Scott Pruitt's housing arrangements come under scrutiny

**Ex. 6 - Personal Privacy**

As I was reading this article, I wondered "what's Justina's opinion " ..and then poof, I saw your name!

**As new details emerge, Scott Pruitt's housing arrangements come under scrutiny**  
The Washington Post

The EPA administrator initially rented part of a Capitol Hill condo — for an exceedingly good rate — from a health-care lobbyist. [Read the full story](#)

Shared from [Apple News](#)

Sent from my iPad

**To:** Wilcox, Jahan[wilcox.jahan@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Fri 3/30/2018 10:56:09 PM  
**Subject:** FW: Scott Pruitt Access

FYI

**From:** JJ McElheney [mailto:**Ex. 6 - Personal Privacy**]  
**Sent:** Friday, March 30, 2018 6:48 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Cc:** zahra.hirji@buzzfeed.com  
**Subject:** Scott Pruitt Access

Dear Ms. Justina Fugh:

After reading Zahra's BuzzFeed's piece today referencing your ethics determination of a condo deal, the access issue to Scott Pruitt is one to seriously consider.

As a victim of an EPA documented water poisoning **Ex. 6 - Personal Privacy** I have asked for a meeting with Scott Pruitt for over a year to no avail. There is certainly discrimination involved here.

Thank you,

Jill Jennings-McElheney

Sent from AOL Mobile Mail

**To:** Steven Schooner [Ex. 6 - Personal Privacy]  
**From:** Fugh, Justina  
**Sent:** Fri 3/30/2018 10:55:44 PM  
**Subject:** RE: very best wishes

Hi Steve,

What a nice note and thanks for thinking of me. Good golly! What a weird 24 hours! EPA political officials told me about this lease for the first time yesterday. I was sitting in the Ballston movie theater, about to silence my phone, when I got a call from the General Counsel and Chief of Staff. It was 8:45 at night! In the dozen years I've been doing this job, I've never been asked about someone's rental agreement. And over the course of today, there are new details being dropped. It's crazy!

Cheers,

Justina

**From:** Steven Schooner [mailto: [Ex. 6 - Personal Privacy]  
**Sent:** Friday, March 30, 2018 6:07 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** very best wishes

Long time, no see my friend....

Thinking of you ... and sending positive energy in your direction today.

Thank you for your service.

I hope you have a wonderful weekend.

--

Steven L. Schooner

Nash & Cibinic Professor of Government Procurement Law

George Washington University

[Contact and info page](#)

Papers available on [SSRN-Schooner](#)

on Twitter at: [@ProfSchooner](#)



**To:** Wilcox, Jahan[wilcox.jahan@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Fri 3/30/2018 6:51:33 PM  
**Subject:** RE: Comment on Pruitt's daughter staying at condo

Okay, will do. What's your phone number for the people who are calling me directly?

**From:** Wilcox, Jahan  
**Sent:** Friday, March 30, 2018 2:51 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** RE: Comment on Pruitt's daughter staying at condo

Yes please forward them over. Thank you!

**From:** Fugh, Justina  
**Sent:** Friday, March 30, 2018 2:50 PM  
**To:** Wilcox, Jahan <wilcox.jahan@epa.gov>  
**Subject:** FW: Comment on Pruitt's daughter staying at condo

Hi Jahan,

I've been receiving calls today from reporters, asking me to confirm my statements to Bloomberg (which were on the record). I've said that I didn't know about the lease arrangement until yesterday but have re-explained what I said last night. I saw Kevin Minoli at 1 pm, Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

To that end, I am sending you this question that mentions a fact that I did not know (about the daughter staying there too). I don't know if she had her own lease arrangement and paid separately.

Do you want me to send all of these sorts of calls to you now?  
justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308

ED\_001742\_00000282

North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Miranda Green [<mailto:mgreen@thehill.com>]  
**Sent:** Friday, March 30, 2018 2:03 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** Comment on Pruitt's daughter staying at condo

Hi Justina,

Looking to get a comment from you about the latest news that Scott Pruitt's daughter also stayed with him at his condo last summer while she interned at the White House.

I'd like to know if you find this an ethics violation, or more concerning than what you previously stated on the record. Also, did you know about this before you wrote that statement?

Zahra Hirji just tweeted that and I'd like to confirm that with you.

Best,

Miranda

--

Miranda Green

Energy and Environment Reporter, The Hill

**Ex. 6 - Personal Privacy**

mgreen@thehill.com

@mirandacgreen

**To:** Christopher Flavelle[cflavelle@bloomberg.net]; Wilcox, Jahan[wilcox.jahan@epa.gov]  
**Sent:** Fri 4/6/2018 10:06:28 PM  
**Subject:** RE: Seeking comment

Hi Christopher- As stated at the end of the April 4<sup>th</sup> Memorandum, "federal employee[s] must comply with the Standards of Ethical Conduct, including those relating to impartiality, at all times." I

**Kevin S. Minoli**

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

**From:** Christopher Flavelle (BLOOMBERG/ NEWSROOM:) [mailto:cflavelle@bloomberg.net]  
**Sent:** Friday, April 06, 2018 5:58 PM  
**To:** Wilcox, Jahan <wilcox.jahan@epa.gov>  
**Cc:** Minoli, Kevin <Minoli.Kevin@epa.gov>  
**Subject:** Re: Seeking comment

Thanks. Do you want to address the concern raised to me that an employee engaged in this behavior would likely have been subject to some sort of penalty, on the grounds of a perceived conflict of interest?

Sent from Bloomberg Professional for iPhone

Christopher Flavelle  
Climate adaptation reporter, Bloomberg News  
[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | @cflav  
Direct line: Ex. 6 - Personal Privacy  
Signal: Ex. 6 - Personal Privacy  
1101 New York Avenue NW  
Washington, DC, 20005

----- Original Message -----

From: Jahan Wilcox <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>

To: CHRISTOPHER FLAVELLE

CC: [Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)

At: 06-Apr-2018 17:55:23

Statement from Kevin that we sent out on Thursday:

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

Sent from my iPhone

On Apr 6, 2018, at 5:29 PM, Christopher Flavelle (BLOOMBERG/ NEWSROOM:) <[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net)> wrote:

Good afternoon. We're working on a story about what consequences an EPA employee might have faced for entering a similar rental arrangement as Administrator Pruitt.

Union officials and outside government ethics experts say a career staffer would be likely to face some sort of disciplinary action for such an arrangement, noting that it would create the perception of a conflict of interest. I wondered if your office would like to comment.

Also, is the attached appendix ("Guidance on Corrective Discipline") still in effect?

Best,

Chris

Christopher Flavelle  
Climate adaptation reporter, Bloomberg News  
[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | @cflav  
Direct line: [Ex. 6 - Personal Privacy]  
Signal: [Ex. 6 - Personal Privacy]  
1101 New York Avenue NW  
Washington, DC, 20005

<Disciplinary Table (Nature of Offenses).pdf>

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Wilcox, Jahan[wilcox.jahan@epa.gov]  
**From:** Minoli.Kevin@epa.gov  
**Sent:** Thur 4/5/2018 5:08:40 AM  
**Subject:** Re: Statement from Kevin

## Ex. 5 - Deliberative Process

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 5, 2018, at 1:02 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

## Ex. 5 - Deliberative Process

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy

On Apr 5, 2018, at 12:57 AM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

I've been fighting with CNN free now.  
Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 5, 2018, at 12:41 AM, Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)> wrote:

Do you guys have one more moment to get in the phone?

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy

On Apr 5, 2018, at 12:40 AM, Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

I am happy to go on the record on any of these points and that the memo is not saying nor do I believe that information was withheld from me.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

Begin forwarded message:

**From:** "Wilcox, Jahan" <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
**Date:** April 5, 2018 at 12:33:57 AM EDT  
**To:** "[jjacobs68@bloomberg.net](mailto:jjacobs68@bloomberg.net)" <[jjacobs68@bloomberg.net](mailto:jjacobs68@bloomberg.net)>, "[jdlouhy1@bloomberg.net](mailto:jdlouhy1@bloomberg.net)" <[jdlouhy1@bloomberg.net](mailto:jdlouhy1@bloomberg.net)>  
**Cc:** "Minoli, Kevin" <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>  
**Subject:** Statement from Kevin

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.



Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

**To:** Biesecker, Michael[MBiesecker@ap.org]  
**From:** Minoli.Kevin@epa.gov  
**Sent:** Fri 4/6/2018 1:10:48 AM  
**Subject:** Re: New statement

I am sorry. I was out this afternoon (not related to the news cycle at all). Here is what we have sent. Jahan Wilcox is the Public Affairs lead on this mater and so other than sending this I ask that you work through him. Thanks, Kevin

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 5, 2018, at 3:57 PM, Biesecker, Michael <MBiesecker@ap.org> wrote:

Hey Kevin. Are you still sending something out?

**From:** Biesecker, Michael  
**Sent:** Thursday, April 05, 2018 1:18 PM  
**To:** 'Minoli.kevin@epa.gov' <Minoli.kevin@epa.gov>  
**Cc:** 'Bowman, Liz' <Bowman.Liz@epa.gov>  
**Subject:** New statement

Kevin,

Liz says you have a new statement regarding the letter you drafted yesterday about Administrator Pruitt's lease. Could you please send it to me.

Thanks,

Michael

<image001.jpg>

**Michael Biesecker**

Investigative Reporter

[mbiesecker@ap.org](mailto:mbiesecker@ap.org)

Twitter: @mbieseck

[Public Key](#)

<image002.jpg>

1100 13 St. NW, Suite 700

Washington, D.C. 20005-4076

T Ex. 6 - Personal Privacy

M Ex. 6 - Personal Privacy

Have a tip for the Associated Press? We have a secure way to send it to us, anonymously.  
Follow this link for instructions: [www.ap.org/tips](http://www.ap.org/tips)

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“I go with Custer and will be at the death.” – AP reporter Mark Kellogg’s final dispatch from the Battle of the Little Bighorn, 1876

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**To:** Bowman, Liz[Bowman.Liz@epa.gov]  
**Cc:** Leopold, Matt[Leopold.Matt@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Minoli, Kevin@epa.gov  
**Sent:** Wed 4/11/2018 2:58:05 AM  
**Subject:** Re: Story behind two EPA ethics memos

I think that's perfect.  
Kevin

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 10, 2018, at 10:55 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

I think this is great; Kevin?

Sent from my iPhone

On Apr 10, 2018, at 10:33 PM, Leopold, Matt <Leopold.Matt@epa.gov> wrote:

## Ex. 5 - Deliberative Process

I have copied Kevin in the event he has additional thoughts.

Sent from my iPhone

Begin forwarded message:

**From:** "Jackson, Ryan" <jackson.ryan@epa.gov>  
**Date:** April 10, 2018 at 6:20:00 PM EDT  
**To:** "Bowman, Liz" <Bowman.Liz@epa.gov>, "Wilcox, Jahan" <wilcox.jahan@epa.gov>, "Leopold, Matt" <Leopold.Matt@epa.gov>  
**Subject:** RE: Story behind two EPA ethics memos

# Ex. 5 - Deliberative Process

**From:** Kevin Bogardus [<mailto:kbogardus@eenews.net>]

**Sent:** Tuesday, April 10, 2018 5:56 PM

**To:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>

**Subject:** FW: Story behind two EPA ethics memos

Ryan,

Hi, it's Kevin Bogardus with E&E News.

I'm working on a story about how EPA's two ethics memos related to Administrator Pruitt's condo lease came to be. I have spoken with people familiar with recent events related to Administrator Pruitt's condo lease and have reported out a timeline of what happened internally at EPA in drafting the two memos, describing what people said in meetings and in internal emails. You are mentioned by name at several points in the story. Please see my reported out timeline of the process behind the two memos as well as the questions I have below in my email to EPA press officials.

Please let me know if you have any thoughts. My deadline is 12:30 pm EST Wednesday, April 11, but the sooner you get back to me, the more it helps my reporting. Thank you for your help.

**Kevin Bogardus**

E&E News reporter

[kbogardus@eenews.net](mailto:kbogardus@eenews.net)

Ex. 6 - Personal Privacy (p)

Ex. 6 - Personal Privacy (c)

202-737-5299 (f)

Follow me [@KevinBogardus](https://twitter.com/KevinBogardus)

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EnergyWire, ClimateWire, E&E Daily, Greenwire, E&ENews PM

**From:** Kevin Bogardus

**Sent:** Tuesday, April 10, 2018 5:53 PM

**To:** Liz Bowman <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>; John Konkus <[konkus.john@epa.gov](mailto:konkus.john@epa.gov)>; [ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov); Jahan Wilcox <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>; [abboud.michael@epa.gov](mailto:abboud.michael@epa.gov); [hewitt.james@epa.gov](mailto:hewitt.james@epa.gov); [block.molly@epa.gov](mailto:block.molly@epa.gov); [daniell.kelsi@epa.gov](mailto:daniell.kelsi@epa.gov); [Press@epa.gov](mailto:Press@epa.gov)

**Subject:** Story behind two EPA ethics memos

Hey everyone,

It's Kevin Bogardus with E&E News.

I'm working on a story about how EPA's two ethics memos related to Administrator Pruitt's condo lease came to be. I have spoken with people familiar with recent events related to Administrator Pruitt's condo lease and have reported out a timeline of what happened internally at EPA in drafting the two memos, describing what people said in meetings and in internal emails. I will also include an on-the-record statement that EPA Senior Counsel for Ethics Justina Fugh shared with reporters last week saying she was "troubled" by the process as well as on-the-record statements given to me from Principal Deputy General Counsel Kevin Minoli where he acknowledges the process was tense but says he felt no pressure and the memo was his own work and that he released a second memo to show the factual basis for his work. I am interested in your thoughts on what happened during this process.

First, below is the timeline I have reported out. Please let me know if you believe anything is inaccurate.



- Afternoon, March 29: EPA Chief of Staff Ryan Jackson has a discussion with EPA Senior Counsel for Ethics Justina Fugh, where he mentions in passing that Administrator Pruitt had a condo lease where rent was \$50 per night for one room and the landlord was a lobbyist friend. Fugh also indicates to Jackson that since Administrator Pruitt paid rent, it may not be a gift under ethics rules.
- Evening, March 29: General Counsel Matt Leopold talks to Minoli about Administrator Pruitt's condo lease. Minoli said he needed to look at the federal ethics regulations. Minoli also was not shown Administrator Pruitt's condo lease or his canceled checks that night.
- Evening, March 29: Leopold then left Minoli in Minoli's office and called Fugh on her cell phone.
- Evening, March 29: Fugh is in a movie theater when her cell phone buzzes. She texts back to see who it is and finds out it is Leopold. She goes out into the movie theater's lobby and gets on the phone with Leopold, and Jackson joins in the call as well. Leopold doesn't tell Fugh that he had already spoken with Minoli.
- Evening, March 29: On the phone call, Fugh is read portions of Pruitt's lease, including that Administrator Pruitt only paid for the nights he stayed in the condo. She is also read out dates and amounts from Administrator Pruitt's canceled checks to her. Then Leopold and Jackson say Fugh is needed to be interviewed on the record by reporters right away. Bloomberg News posts its story online, where their reporters interviewed Fugh, a few minutes before midnight that night (<https://www.bloomberg.com/news/articles/2018-03-30/epa-chief-s-50-a-night-rental-said-to-raise-white-house-angst>).
- Afternoon, March 30: Fugh is called into a meeting with Leopold. Jackson and Senior Strategic Communications Adviser Jahan Wilcox are also there. Minoli joins the meeting as well.

- Afternoon, March 30: Fugh learns of new facts in the meeting, including Administrator Pruitt's personal security detail breaking into the condo after Administrator Pruitt had fallen ill and gone home to take a nap, which is why he was not answering his security detail's calls, and Administrator Pruitt's daughter had stayed with him in the condo while she clerked this past summer at the White House counsel's office. Jackson remarks at one point in this meeting that he had helped secure Administrator Pruitt's daughter the White House internship.
- Afternoon, March 30: Fugh and Minoli also review in person for the first time Administrator Pruitt's condo lease and canceled checks in this meeting.
- Afternoon, March 30: Fugh begins helping Minoli work on what becomes his March 30 memo stating Administrator Pruitt's lease wasn't a gift under federal ethics rules. Leopold also advises at request at times. Minoli soon signs it and it is released to reporters that evening.
- Evening, April 2: Minoli sends an internal email to EPA press aides raising concerns about how his memo is being messaged in the media, linking to this New York Times story related to an Enbridge pipeline that won EPA approval (<https://www.nytimes.com/2018/04/02/climate/epa-pruitt-pipeline-apartment.html>). The following quotes from Minoli's email have been described to me and I will be using them in my story:

"Today was the first day where I saw articles asking about specific actions the agency or the Administrator may have taken that have some alleged or real connection to the people [sic] were connected to the apartment."

"The memo from Friday in no way speaks to those actions, either by in [sic] endorsing them or calling them in the question [sic]."

"The memo cannot be cited in response to questions raised about actions other than signing the lease and living in the space consistent with the lease."

- Morning, April 3: Associate Administrator for Public Affairs Liz Bowman replies to Minoli in an email. The following quote from Bowman's email has been described to me and I will be using it in my story:

"Hi Kevin, this statement was approved by Matt, based on what the administrator told us to communicate. Thanks - Liz."

- Evening, April 4: Minoli's second memo is released.

Second, I have a few questions, which are:

- Why did Leopold not tell Fugh on the evening of March 29 that he had already spoken to Minoli that same night?
- Why did reporters review Administrator Pruitt's condo lease and canceled checks before Fugh and Minoli did for the first time on the afternoon of Friday, March 30?
- Considering Administrator Pruitt signed the condo lease in February 2017, why didn't he have EPA ethics officials review the lease then, rather than more than a year later?

Please get back to me as soon as possible. My deadline is 12:30 pm EST Wednesday, April 11, but the sooner you get back to me, the more it helps my reporting. Thank you for your help.

**Kevin Bogardus**

E&E News reporter

[kbogardus@eenews.net](mailto:kbogardus@eenews.net)

Ex. 6 - Personal Privacy

(p)

Ex. 6 - Personal Privacy

(c)

202-737-5299 (f)

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## **E&E NEWS**

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EnergyWire, ClimateWire, E&E Daily, Greenwire, E&ENews PM

**To:** Emily Holden[eholden@politico.com]  
**From:** Minoli.Kevin@epa.gov  
**Sent:** Thur 4/5/2018 5:01:30 AM  
**Subject:** Re: Can you chat?

Here is what we are saying as an official statement. If you do not think that it is clear or have more questions please do call 202-297-6910.

Begin forwarded message:

**From:** "Wilcox, Jahan" <wilcox.jahan@epa.gov>  
**Date:** April 5, 2018 at 12:51:17 AM EDT  
**To:** "dlippman@politico.com" <dlippman@politico.com>  
**Cc:** "Minoli, Kevin" <Minoli.Kevin@epa.gov>  
**Subject:** Statement from Kevin for Playbook

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 5, 2018, at 12:35 AM, Emily Holden <eholden@politico.com> wrote:

Well we would be happy to make that clear then. Do you disagree with how they characterized it as walking back the earlier memo? Please just let me know when you can provide that/chat so we can get the framing right as we continue to reference other reporters' work. Thanks!

Emily Holden

Reporter, energy/climate

**POLITICO**

[eholden@politico.com](mailto:eholden@politico.com)

Cell: Ex. 6 - Personal Privacy

[@emilyhholden](#)

On Apr 5, 2018, at 12:23 AM, Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

I am working on an official statement and could potentially talk officially then, but I do not believe the CNN article fairly describes my memo.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 4, 2018, at 10:38 PM, Emily Holden <[eholden@politico.com](mailto:eholden@politico.com)> wrote:

Wanted to reach out to you directly, thanks.

Emily Holden

Reporter, energy/climate

**POLITICO**

[eholden@politico.com](mailto:eholden@politico.com)

Cell: Ex. 6 - Personal Privacy

[@emilyhholden](#)

**To:** Christopher Flavelle[cflavelle@bloomberg.net]; Wilcox, Jahan[wilcox.jahan@epa.gov]  
**From:** Minoli.Kevin@epa.gov  
**Sent:** Tue 4/10/2018 3:54:26 PM  
**Subject:** Re: Seeking comment

Christopher- I am writhing regarding your story today where you quote the first sentence of my answer but not the second. That leaves an impression that we do not see any potential ethics issues, which is not accurate.

This hypothetical - or real situation for the Administrator - is not an issue of financial conflicts of interest as that term is defined in the ethics regulations. It is, as my April 4th memorandum indicates, an issue of the impartiality of the employee in the performance of their official duties. All employees have to comply with the impartiality requirements in the ethics regulations from the Administrator to the newest employee, and if they are found to have not complied they would each face potential disciplinary action. My memoranda to date to not evaluate the question of whether the Administrator complied with those requirements as that is matter that the Office of Inspector General has been asked to investigate.

Kevin

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 6, 2018, at 6:15 PM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Hi Christopher- I think there may be some confusion regarding the ethics terms conflict of interest and impartiality. The Office of Government Ethics' website is helpful for that (<https://oge.gov/web/oge/nsf/Resources/A+Refresher+on+the+Impartiality+Rule>), and here is language describing the difference from their site:

"Under the primary conflict of interest law, an employee must not participate in any particular matter affecting the employee's financial interests, and the impartiality rule goes even further by focusing on appearance issues. This rule applies even when the employee is free of financial conflicts of interest.

Briefly stated, the impartiality rule requires an employee to consider appearance concerns before participating in a particular matter if someone close to the employee is involved as a party to that matter. This requirement to refrain from participating (or "recuse") is designed to avoid the appearance of favoritism in government decision-making."

So to answer your question:

No, employees would not be violating any conflicts of interest requirements as the tenant in a hypothetical similar situation. As stated at the end of the April 4<sup>th</sup> Memorandum, however, "[All] federal employee[s] must comply with the Standards of Ethical Conduct, including those relating to impartiality, at all times."

Kevin

**Kevin S. Minoli**

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

**From:** Christopher Flavelle (BLOOMBERG/ NEWSROOM:)

[mailto:[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net)]

**Sent:** Friday, April 06, 2018 5:58 PM

**To:** Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>

**Cc:** Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>

**Subject:** Re: Seeking comment

Thanks. Do you want to address the concern raised to me that an employee engaged in this behavior would likely have been subject to some sort of penalty, on the grounds of a perceived conflict of interest?

Sent from Bloomberg Professional for iPhone

Christopher Flavelle

Climate adaptation reporter, Bloomberg News

[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | @cflav

Direct line Ex. 6 - Personal Privacy

Signal Ex. 6 - Personal Privacy

1101 New York Avenue NW



Washington, DC, 20005

----- Original Message -----

From: Jahan Wilcox <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>

To: CHRISTOPHER FLAVELLE

CC: [Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)

At: 06-Apr-2018 17:55:23

Statement from Kevin that we sent out on Thursday:

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

Sent from my iPhone

On Apr 6, 2018, at 5:29 PM, Christopher Flavelle (BLOOMBERG/NEWSROOM:) <[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net)> wrote:

Good afternoon. We're working on a story about what consequences an EPA employee might have faced for entering a similar rental arrangement as Administrator Pruitt.

Union officials and outside government ethics experts say a career staffer would be likely to face some sort of disciplinary action for such an

arrangement, noting that it would create the perception of a conflict of interest. I wondered if your office would like to comment.

Also, is the attached appendix ("Guidance on Corrective Discipline") still in effect?

Best,

Chris

Christopher Flavelle  
Climate adaptation reporter, Bloomberg News  
[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | @cflav  
Direct line: Ex. 6 - Personal Privacy  
Signal: Ex. 6 - Personal Privacy  
1101 New York Avenue NW  
Washington, DC, 20005

<Disciplinary Table (Nature of Offenses).pdf>

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Wilcox, Jahan[wilcox.jahan@epa.gov]  
**From:** Minoli.Kevin@epa.gov  
**Sent:** Thur 4/5/2018 4:56:58 AM  
**Subject:** Re: Statement from Kevin

I've been fighting with CNN free now.  
Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 5, 2018, at 12:41 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Do you guys have one more moment to get in the phone?

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy

On Apr 5, 2018, at 12:40 AM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

I am happy to go on the record on any of these points and that the memo is not saying nor do I believe that information was withheld from me.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

Begin forwarded message:

**From:** "Wilcox, Jahan" <wilcox.jahan@epa.gov>  
**Date:** April 5, 2018 at 12:33:57 AM EDT  
**To:** "jjacobs68@bloomberg.net" <jjacobs68@bloomberg.net>,

"jdlouhy1@bloomberg.net" <jdlouhy1@bloomberg.net>

**Cc:** "Minoli, Kevin" <Minoli.Kevin@epa.gov>

**Subject: Statement from Kevin**

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

**To:** Wilcox, Jahan[wilcox.jahan@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Minoli.Kevin@epa.gov  
**Sent:** Thur 4/5/2018 4:40:13 AM  
**Subject:** Fwd: Statement from Kevin

I am happy to go on the record on any of these points and that the memo is not saying nor do I believe that information was withheld from me.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

Begin forwarded message:

**From:** "Wilcox, Jahan" <wilcox.jahan@epa.gov>  
**Date:** April 5, 2018 at 12:33:57 AM EDT  
**To:** "jjacobs68@bloomberg.net" <jjacobs68@bloomberg.net>, "jdlouhy1@bloomberg.net" <jdlouhy1@bloomberg.net>  
**Cc:** "Minoli, Kevin" <Minoli.Kevin@epa.gov>  
**Subject:** Statement from Kevin

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

**To:** Wilcox, Jahan[wilcox.jahan@epa.gov]  
**From:** Minoli.Kevin@epa.gov  
**Sent:** Thur 4/5/2018 5:30:14 PM  
**Subject:** Re: New statement

I will send them to you (and this one too). Thanks, Kevin

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 5, 2018, at 1:25 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

## Ex. 5 - Deliberative Process

**From:** Minoli, Kevin  
**Sent:** Thursday, April 5, 2018 1:24 PM  
**To:** Wilcox, Jahan <wilcox.jahan@epa.gov>  
**Subject:** Fwd: New statement

## Ex. 5 - Deliberative Process

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

Begin forwarded message:

**From:** "Biesecker, Michael" <MBiesecker@ap.org>  
**Date:** April 5, 2018 at 1:18:25 PM EDT  
**To:** "Minoli.kevin@epa.gov" <Minoli.kevin@epa.gov>  
**Cc:** "Bowman, Liz" <Bowman.Liz@epa.gov>  
**Subject:** New statement

Kevin,

Liz says you have a new statement regarding the letter you drafted yesterday about Administrator Pruitt's lease. Could you please send it to me.

Thanks,

Michael

<image001.jpg>

**Michael Biesecker**

Investigative Reporter

[mbiesecker@ap.org](mailto:mbiesecker@ap.org)

Twitter: @mbieseck

[Public Key](#)

<image002.jpg>

1100 13 St. NW, Suite 700

Washington, D.C. 20005-4076

T Ex. 6 - Personal Privacy

M Ex. 6 - Personal Privacy

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"I go with Custer and will be at the death." – AP reporter Mark Kellogg's final dispatch from the Battle of the Little Bighorn, 1876

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**To:** Emily Holden[eholden@politico.com]  
**From:** Minoli.Kevin@epa.gov  
**Sent:** Thur 4/5/2018 2:12:06 PM  
**Subject:** Re: Can you chat?

Thank you.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 5, 2018, at 7:11 AM, Emily Holden <eholden@politico.com> wrote:

My apologies, I finally fell asleep last night expecting that there was no way you'd get anyone a statement at 1 am. We're including it in a story now.

Emily Holden

Reporter, energy/climate

**POLITICO**

[eholden@politico.com](mailto:eholden@politico.com)

Cell: Ex. 6 - Personal Privacy

[@emilyhholden](https://twitter.com/emilyhholden)

On Apr 5, 2018, at 1:01 AM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Here is what we are saying as an official statement. If you do not think that it is clear or have more questions please do call Ex. 6 - Personal Privacy  
Begin forwarded message:

**From:** "Wilcox, Jahan" <wilcox.jahan@epa.gov>  
**Date:** April 5, 2018 at 12:51:17 AM EDT  
**To:** "dlippman@politico.com" <dlippman@politico.com>  
**Cc:** "Minoli, Kevin" <Minoli.Kevin@epa.gov>  
**Subject:** Statement from Kevin for Playbook

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 5, 2018, at 12:35 AM, Emily Holden <[eholden@politico.com](mailto:eholden@politico.com)> wrote:

Well we would be happy to make that clear then. Do you disagree with how they characterized it as walking back the earlier memo? Please just let me know when you can provide that/chat so we can get the framing right as we continue to reference other reporters' work. Thanks!

Emily Holden

Reporter, energy/climate

**POLITICO**

[eholden@politico.com](mailto:eholden@politico.com)

Cell: Ex. 6 - Personal Privacy

[@emilyhholden](#)

On Apr 5, 2018, at 12:23 AM, Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

I am working on an official statement and could potentially talk officially then, but I do not believe the CNN article fairly describes my memo.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 4, 2018, at 10:38 PM, Emily Holden <[eholden@politico.com](mailto:eholden@politico.com)>  
wrote:

Wanted to reach out to you directly, thanks.

Emily Holden

Reporter, energy/climate

**POLITICO**

[eholden@politico.com](mailto:eholden@politico.com)

Cell: Ex. 6 - Personal Privacy

[@emilyhholden](mailto:@emilyhholden)

**To:** Leopold, Matt[Leopold.Matt@epa.gov]  
**From:** Minoli.Kevin@epa.gov  
**Sent:** Tue 4/3/2018 3:30:12 AM  
**Subject:** Fwd: Press Statements Regarding the Friday Memo

Matt- I wanted to make sure you had a copy of my reply to Ryan in case he asks you about it.  
Thanks, Kevin

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

Begin forwarded message:

**From:** "Minoli, Kevin" <Minoli.Kevin@epa.gov>  
**Date:** April 2, 2018 at 11:28:40 PM EDT  
**To:** "Jackson, Ryan" <jackson.ryan@epa.gov>  
**Subject:** Re: Press Statements Regarding the Friday Memo

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

Thanks, Kevin

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 2, 2018, at 11:01 PM, Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)> wrote:

# Ex. 5 - Deliberative Process

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy

Begin forwarded message:

**From:** "Wilcox, Jahan" <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
**Date:** April 2, 2018 at 10:55:46 PM EDT  
**To:** "Jackson, Ryan" <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Subject:** Fwd: Press Statements Regarding the Friday Memo

Sent from my iPhone

Begin forwarded message:

**From:** "Minoli, Kevin" <Minoli.Kevin@epa.gov>  
**Date:** April 2, 2018 at 10:49:21 PM EDT  
**To:** "Bowman, Liz" <Bowman.Liz@epa.gov>, "Wilcox, Jahan" <wilcox.jahan@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>  
**Cc:** "Leopold, Matt" <Leopold.Matt@epa.gov>, "Fugh, Justina" <Fugh.Justina@epa.gov>  
**Subject:** Press Statements Regarding the Friday Memo

Hi Folks- I want to make sure that whenever the agency is referring to the memo that I wrote on Friday we are referring to it in a way that is consistent with what it does and does not indicate that the memo does more than it did.

Today was the first day where I saw articles asking about specific actions the agency or the Administrator may have taken that have some alleged or real connection to the people were connected to the apartment. The memo from Friday in no way speaks to those actions, either by in endorsing them or calling them in the question. The memo addressed only the questions of whether the act of signing the lease or living in the space as described in the lease amounted to a prohibited gift. I stand behind my conclusion they were not.

The ethics rules and obligations continue to apply to any action the agency and the Administrator has taken or will take, however, and the fact that he has entered into a lease with Vicki Hart on behalf of 233C LLC may or may not be relevant to understanding how the ethics rules apply to any particular action. We have not been asked to advise on any particular action that has been taken or provide guidance on future actions, and so the memo cannot be cited in response to questions raised about actions other than signing the lease and living in the space consistent with the lease.

Again, I am happy to work with folks on specific statements as they arise or on a generic one that can be used whenever questions like these come in. Let me know how to help with those if you are interested.

Thanks, Kevin

**Pruitt Had a \$50-a-Day Condo Linked to Lobbyists. Their Client's Project Got Approved.**

The New York Times

The E.P.A. chief was using an apartment partly owned by the wife of the chairman of the lobbying firm as its client sought the agency's sign off on a pipeline project. [Read the full story](#)

Shared from [Apple News](#)

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

**To:** Christopher Flavelle[cflavelle@bloomberg.net]; Wilcox, Jahan[wilcox.jahan@epa.gov]  
**Sent:** Tue 4/10/2018 6:04:41 PM  
**Subject:** RE: Seeking comment

The relevant ethics requirement in this situation is compliance with the impartiality rule, not the provisions regarding financial conflicts of interest. As stated in my April 4th memo it is an issue of the impartiality of the employee in the performance of their official duties. All employees have to comply with the impartiality requirements and if any is found to have not complied they could each face potential disciplinary action as appropriate.

**Kevin S. Minoli**

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

**From:** Christopher Flavelle (BLOOMBERG/ NEWSROOM:) [mailto:cflavelle@bloomberg.net]  
**Sent:** Tuesday, April 10, 2018 1:56 PM  
**To:** Wilcox, Jahan <wilcox.jahan@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>  
**Subject:** Re: Seeking comment

Kevin, can I treat this email as on the record and for attribution? You haven't indicated otherwise; if so, I'll update the story now.

Christopher Flavelle  
Climate adaptation reporter, Bloomberg News  
[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | @cflav  
Direct line: Ex. 6 - Personal Privacy  
Signal: Ex. 6 - Personal Privacy  
1101 New York Avenue NW  
Washington, DC, 20005



From: [Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov) At: 04/10/18 11:54:31

To: [Christopher Flavelle \(BLOOMBERG/ NEWSROOM: \)](#), [wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)

Subject: Re: Seeking comment

Christopher- I am writhing regarding your story today where you quote the first sentence of my answer but not the second. That leaves an impression that we do not see any potential ethics issues, which is not accurate.

This hypothetical - or real situation for the Administrator - is not an issue of financial conflicts of interest as that term is defined in the ethics regulations. It is, as my April 4th memorandum indicates, an issue of the impartiality of the employee in the performance of their official duties. All employees have to comply with the impartiality requirements in the ethics regulations from the Administrator to the newest employee, and if they are found to have not complied they would each face potential disciplinary action. My memoranda to date to not evaluate the question of whether the Administrator complied with those requirements as that is matter that the Office of Inspector General has been asked to investigate.

Kevin

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 6, 2018, at 6:15 PM, Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

Hi Christopher- I think there may be some confusion regarding the ethics terms conflict of interest and impartiality. The Office of Government Ethics' website is helpful for that (<https://oge.gov/web/oge.nsf/Resources/A+Refresher+on+the+Impartiality+Rule>), and here is language describing the difference from their site:

"Under the primary conflict of interest law, an employee must not participate in any particular matter affecting the employee's financial interests, and the impartiality rule goes even further by focusing on appearance issues. This rule applies even when the employee is free of financial conflicts of interest.

Briefly stated, the impartiality rule requires an employee to consider appearance concerns before participating in a particular matter if someone close to the employee is involved as a party to that matter. This requirement to refrain from participating (or "recuse") is designed to avoid the appearance of favoritism in government decision-making."

So to answer your question:

No, employees would not be violating any conflicts of interest requirements as the tenant in a hypothetical similar situation. As stated at the end of the April 4<sup>th</sup> Memorandum, however, "[All] federal employee[s] must comply with the Standards of Ethical Conduct, including those relating to impartiality, at all times."

Kevin

**Kevin S. Minoli**

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

**From:** Christopher Flavelle (BLOOMBERG/ NEWSROOM:)  
[mailto:[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net)]

**Sent:** Friday, April 06, 2018 5:58 PM

**To:** Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>

**Cc:** Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>

**Subject:** Re: Seeking comment

Thanks. Do you want to address the concern raised to me that an employee engaged in this behavior would likely have been subject to some sort of penalty, on the grounds of a perceived conflict of interest?

Sent from Bloomberg Professional for iPhone

Christopher Flavelle  
Climate adaptation reporter, Bloomberg News  
[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | @cflav  
Direct line: Ex. 6 - Personal Privacy  
Signal: Ex. 6 - Personal Privacy  
1101 New York Avenue NW  
Washington, DC, 20005

----- Original Message -----

From: Jahan Wilcox <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
To: CHRISTOPHER FLAVELLE  
CC: [Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)  
At: 06-Apr-2018 17:55:23

Statement from Kevin that we sent out on Thursday:

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

Sent from my iPhone

On Apr 6, 2018, at 5:29 PM, Christopher Flavelle (BLOOMBERG/NEWSROOM:) <[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net)> wrote:

Good afternoon. We're working on a story about what consequences an EPA employee might have faced for entering a similar rental arrangement as Administrator Pruitt.

Union officials and outside government ethics experts say a career staffer would be likely to face some sort of disciplinary action for such an arrangement, noting that it would create the perception of a conflict of interest. I wondered if your office would like to comment.

Also, is the attached appendix ("Guidance on Corrective Discipline") still in effect?

Best,

Chris

Christopher Flavelle  
Climate adaptation reporter, Bloomberg News  
[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | @cflav  
Direct line: Ex. 6 - Personal Privacy  
Signal: Ex. 6 - Personal Privacy  
1101 New York Avenue NW  
Washington, DC, 20005

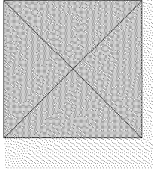
<Disciplinary Table (Nature of Offenses).pdf>

**To:** jgreenberg@politifact.com[jgreenberg@politifact.com]  
**From:** Minoli.Kevin@epa.gov  
**Sent:** Wed 4/11/2018 5:07:40 AM  
**Subject:** Rental Market Rate

Mr. Greenberg- I wanted to following up to your column regarding the market rate for Adm Pruitt's rental. I appreciated that your Analysis included the following caveat "haven't seen the exact terms of Pruitt's lease or exactly how he and his family used the condominium." Elise is currently available on several sites in so I wondered why you would've chosen not to evaluate that

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Zillow  
**Sent:** Thur 4/5/2018 6:06:39 PM  
**Subject:** New Listing: 320 D St NE, Washington, DC 20002. Your '2BRS' Search.



## Instant Update

mo.

☒ For Rent

**\$2,700/mo**

**2 bd, 2 ba, 850 sqft**

**320 D St NE, Washington, DC**

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**To:** Biesecker, Michael[MBiesecker@ap.org]; Wilcox, Jahan[wilcox.jahan@epa.gov]  
**From:** Minoli.Kevin@epa.gov  
**Sent:** Thur 4/5/2018 5:49:38 PM  
**Subject:** Re: New statement

Hi Michael- Jahan is the Office of Public Affairs lead on this and the one

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 5, 2018, at 1:18 PM, Biesecker, Michael <MBiesecker@ap.org> wrote:

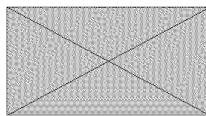
Kevin,

Liz says you have a new statement regarding the letter you drafted yesterday about Administrator Pruitt's lease. Could you please send it to me.

Thanks,

Michael

<image001.jpg>



**Michael Biesecker**

1100 13 St. NW, Suite 700

Investigative Reporter

Washington, D.C. 20005-4076

[mbiesecker@ap.org](mailto:mbiesecker@ap.org)

Twitter: @mbieseck

T Ex. 6 - Personal Privacy

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“I go with Custer and will be at the death.” – AP reporter Mark Kellogg’s final dispatch from the Battle of the Little Bighorn, 1876

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**From:** Minoli.Kevin@epa.gov  
**Sent:** Wed 4/4/2018 11:14:44 PM  
**Subject:** Evaluation of Lease Agreement2018-03-30-152600.pdf  
Evaluation of Lease Agreement2018-03-30-152600.pdf  
ATT00001.txt

**To:** Wilcox, Jahan[wilcox.jahan@epa.gov]  
**Sent:** Fri 4/6/2018 10:00:42 PM  
**Subject:** RE: Seeking comment

Hi Jahan- He has some term mixed up and is a bit confused,

**Kevin S. Minoli**

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

**From:** Wilcox, Jahan  
**Sent:** Friday, April 06, 2018 5:55 PM  
**To:** Christopher Flavelle <cflavelle@bloomberg.net>  
**Cc:** Minoli, Kevin <Minoli.Kevin@epa.gov>  
**Subject:** Re: Seeking comment

Statement from Kevin that we sent out on Thursday:

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel

US Environmental Protection Agency

Sent from my iPhone

On Apr 6, 2018, at 5:29 PM, Christopher Flavelle (BLOOMBERG/ NEWSROOM:) <[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net)> wrote:

Good afternoon. We're working on a story about what consequences an EPA employee might have faced for entering a similar rental arrangement as Administrator Pruitt.

Union officials and outside government ethics experts say a career staffer would be likely to face some sort of disciplinary action for such an arrangement, noting that it would create the perception of a conflict of interest. I wondered if your office would like to comment.

Also, is the attached appendix ("Guidance on Corrective Discipline") still in effect?

Best,

Chris

Christopher Flavelle  
Climate adaptation reporter, Bloomberg News  
[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | @cflav  
Direct line: Ex. 6 - Personal Privacy  
Signal: Ex. 6 - Personal Privacy  
1101 New York Avenue NW  
Washington, DC, 20005

<Disciplinary Table (Nature of Offenses).pdf>

**To:** **Ex. 6 - Personal Privacy**  
**Cc:** Fugh, Justina[Fugh.Justina@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; cindy.crick@mail.house.gov[cindy.crick@mail.house.gov]; jessica.hayes@mail.house.gov[jessica.hayes@mail.house.gov]; keri.gardner@mail.house.gov[keri.gardner@mail.house.gov]; Sinks, Tom[Sinks.Tom@epa.gov]; Grifo, Francesca[Grifo.Francesca@epa.gov]; Tejada, Matthew[Tejada.Matthew@epa.gov]; Etzel, Ruth[Etzel.Ruth@epa.gov]; Barone, Stan[Barone.Stan@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Messier, Dawn[Messier.Dawn@epa.gov]; Grevatt, Peter[Grevatt.Peter@epa.gov]; Elkins, Arthur[Elkins.Arthur@epa.gov]; Larsen, Alan[Larsen.Alan@epa.gov]; Brown, Clay[Brown.Clay@epa.gov]; Barnet, Henry[Barnet.Henry@epa.gov]  
**From:** Minoli.Kevin@epa.gov  
**Sent:** Mon 4/2/2018 2:07:14 AM  
**Subject:** Re: Victims of EPA Corruption - Past, Present & Future

Ms. Jennings-McElheney- Thank you for taking the time to write to me and for your willingness to shear

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 1, 2018, at 1:05 PM, JJ McElheney <**Ex. 6 - Personal Privacy**> wrote:

Dear Mr. Minoli,  
EPA Administrator, Scott Pruitt, has definite accountability issues regarding his easy access by residing in a lobbyist owned condo.

He and his staff have refused for over a year to meet with victims of the industry he is linked to here for his family living arrangements associated with a questionable energy trip to Morocco.

Scott Pruitt, and any EPA staff shielding him for this behavior, including covert meetings with lobbyists and environmental law breakers, while discriminating against victims, should be investigated for not only ethical violations but criminal conduct.

This undermining and compromising of the mission of EPA is a perpetrators' paradise. As an envirovictim of a water poisoning that **Ex. 6 - Personal Privacy** nd poisoned my EJ community, I request this matter not systemically be swept under the rug by you and Ms. Pugh.

This is a very serious matter involving withheld regulatory protection of American citizens, including pregnant women and their offspring, in exchange for the personal benefit of Scott Pruitt.

The proper authorities must investigate any violations thoroughly. Victims of Scott Pruitt's

duplicity must be identified if potential crimes and collusion are uncovered with any law breakers he keeps company with.

Discrimination has already occurred in the disproportionate access Scott Pruitt has given to abusers of environmental law. Victims are to be given equal access at this time.

Scott Pruitt and the EPA staff accommodating his behavior to deliberately place people in harm's way of environmental hazards should not be tolerated and excused.

I look forward to hearing from you regarding this matter.

Sincerely,

Jill Jennings-McElheney

Sent from AOL Mobile Mail

**From:** Minoli.Kevin@epa.gov  
**Sent:** Thur 4/5/2018 5:22:41 AM

By saying I did not have all the facts when I reviewed the lease, the article incorrectly implies that I do not believe the conclusions I drew are m

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

**To:** Fugh, Justina[Fugh.Justina@epa.gov]; Leopold, Matt[Leopold.Matt@epa.gov]  
**Cc:** Minoli, Kevin[Minoli.Kevin@epa.gov]; OIG Hotline[OIG\_Hotline@epa.gov]  
**From:** Jeffry Fowley  
**Sent:** Fri 4/6/2018 4:10:01 PM  
**Subject:** Re: Request for Further Evaluation of Ethics Matter

I further request that Mr. Minoli be recused from any further involvement in this matter. As the author of the March 30 memorandum in question, I don't think he can objectively evaluate this situation. J.F.

-----Original Message-----

From: Fugh, Justina <Fugh.Justina@epa.gov>  
To: Jeffry Fowley <[Ex. 6 - Personal Privacy]@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>  
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; OIG Hotline <OIG\_Hotline@epa.gov>  
Sent: Fri, Apr 6, 2018 12:02 pm  
Subject: RE: Request for Further Evaluation of Ethics Matter

Mr. Fowley,

I think that you need to direct your complaint to the Designated Agency Ethics Official, Kevin Minoli, who is my direct supervisor. Mr. Leopold is not an ethics official himself. Alternatively, you may complain to the OIG. I have copied those recipients on this email.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Jeffry Fowley [mailto:[Ex. 6 - Personal Privacy]]  
**Sent:** Friday, April 06, 2018 11:54 AM  
**To:** Leopold, Matt <Leopold.Matt@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** Request for Further Evaluation of Ethics Matter

This will follow up on a my phone call I just had with Ms. Fugh. I am requesting that your office conduct a further evaluation of whether the gift regulations or any other ethics regulations were violated by Administrator Pruitt in connection with the rental of a condo unit from Vicki Hart. When I was at EPA, such evaluations routinely were conducted when complaints were received from other persons even if the person whose conduct was to be evaluated had not asked for the evaluation. This should be done here, based on my request.

Mr. Minoli's March 30 memorandum has been clarified by his April 4 memorandum which acknowledges that at the time when the March 30 memorandum was written, your office did not have all the relevant facts. However, the April 4 memorandum fails to go on to evaluate whether - based on the true facts - any violation or violations of ethics regulations has occurred. This should now be determined by your office. When this evaluation has been completed, the results should be communicated to me - which also has been the standard practice in similar situations in the past.

The purpose of doing this further evaluation would be to be transparent, and to help to correct the damage done by the March 30 memorandum. Your office did do deficient work in issuing that

memorandum without taking the time and making the effort then to acquire all of the relevant facts. While any further evaluation would analyze the situation only after the fact, this would be no different than what you already did when issuing the March 30 memorandum (after the fact). Also, if you were to find ethics violation by doing a further evaluation - using the true facts - your office could recommend corrective action (even after the fact). For example, you could advise that Mr. Pruitt should pay additional sums to the landlord, if it turns out that he did indeed rent the unit for below a market rate.

I tried to discuss this matter with Ms. Fugh in a civil manner, but she was hostile throughout the call and then hung up. She made it clear that she would not undertake this evaluation based solely on my request. Thus I am asking Mr. Leopold to overrule her and direct that this further evaluation be done.  
Jeffry Fowley



**To:** Wilcox, Jahan[wilcox.jahan@epa.gov]  
**Cc:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Daniel Lippman  
**Sent:** Thur 4/5/2018 1:30:20 PM  
**Subject:** Re: Statement from Kevin for Playbook

Thanks Jahan.

---

**From:** Wilcox, Jahan <wilcox.jahan@epa.gov>  
**Sent:** Thursday, April 5, 2018 12:51:17 AM  
**To:** Daniel Lippman  
**Cc:** Minoli, Kevin  
**Subject:** Statement from Kevin for Playbook

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

**To:** Mike.Emanuel@FOXNEWS.COM[Mike.Emanuel@FOXNEWS.COM]  
**Cc:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Thur 4/5/2018 12:25:16 PM  
**Subject:** Statement from Kevin

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

**To:** Wilcox, Jahan[wilcox.jahan@epa.gov]  
**Cc:** Minoli, Kevin[Minoli.Kevin@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Leopold, Matt  
**Sent:** Sat 3/31/2018 1:41:03 PM  
**Subject:** Re: Market Value of Room on Capital Hill

Thanks Kevin.

Sent from my iPhone

On Mar 31, 2018, at 9:04 AM, Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)> wrote:

Thank you

Sent from my iPhone

On Mar 30, 2018, at 10:34 PM, Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

In case it is helpful, as you can see from the search at the link below, there are currently 76 one-room rentals on AirBnB that are located in Capital Hill and are priced at \$50/night or less. (Many of them offer free cancellation.) I have not done an analysis of where exactly on the Hill they are and I am not suggesting they are all exactly like the one subject to the lease, but the ethics regs instruct you to look at similar items to determine market value. I wanted to make sure you all knew that even on Airbnb there are a number that are \$50 or below. Kevin

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

[https://www.airbnb.com/s/Capitol-Hill--Washington--DC--United-States/homes?refinement\\_paths%5B%5D=%2Fhomes&place\\_id=ChIJmZaX9TK4t4kRnP6quyxTrws&q](https://www.airbnb.com/s/Capitol-Hill--Washington--DC--United-States/homes?refinement_paths%5B%5D=%2Fhomes&place_id=ChIJmZaX9TK4t4kRnP6quyxTrws&q)

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

**To:** john.roberts@foxnews.com[john.roberts@foxnews.com]  
**Cc:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Thur 4/5/2018 11:48:58 AM  
**Subject:** Statement from Kevin

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

Sent from my iPhone

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**Cc:** Leopold, Matt[Leopold.Matt@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Sat 3/31/2018 1:04:36 PM  
**Subject:** Re: Market Value of Room on Capital Hill

Thank you

Sent from my iPhone

On Mar 30, 2018, at 10:34 PM, Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

In case it is helpful, as you can see from the search at the link below, there are currently 76 one-room rentals on AirBnB that are located in Capital Hill and are priced at \$50/night or less. (Many of them offer free cancellation.) I have not done an analysis of where exactly on the Hill they are and I am not suggesting they are all exactly like the one subject to the lease, but the ethics regs instruct you to look at similar items to determine market value. I wanted to make sure you all knew that even on Airbnb there are a number that are \$50 or below. Kevin

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

[https://www.airbnb.com/s/Capitol-Hill--Washington--DC--United-States/homes?refinement\\_paths%5B%5D=%2Fhomes&place\\_id=ChIJmZaX9TK4t4kRnP6quyxTrws&que](https://www.airbnb.com/s/Capitol-Hill--Washington--DC--United-States/homes?refinement_paths%5B%5D=%2Fhomes&place_id=ChIJmZaX9TK4t4kRnP6quyxTrws&que)

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

**To:** Ex. 6 - Personal Privacy  
**Cc:** Minoli, Kevin [Minoli.Kevin@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Thur 4/5/2018 10:32:17 AM  
**Subject:** Statement from Kevin M

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

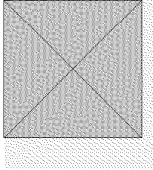
Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

**To:** Hallie.Jackson@nbcuni.com[Hallie.Jackson@nbcuni.com]  
**Cc:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Thur 4/5/2018 10:20:15 AM  
**Subject:** Statement from Kevin

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Zillow  
**Sent:** Wed 4/4/2018 2:32:30 AM  
**Subject:** New Listing: 314 E Capitol St NE APT 505, Washington, DC 20003. Your 'For Rent near Washington 20002' Search.



## Instant Update

no.

☒ For Rent

**\$1,650/mo**

1 bd, 1 ba, 700 sqft, Pets: No  
314 E Capitol St NE APT 505,  
Washington, DC

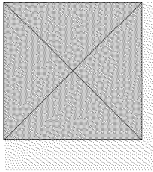
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**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Zillow  
**Sent:** Wed 4/4/2018 2:31:48 AM  
**Subject:** New Listing: 314 E Capitol St NE APT 505, Washington, DC 20003. Your 'Proximate Rentals Washington DC 20002' Search.



## Instant Update

no.

☒ For Rent

**\$1,650/mo**

1 bd, 1 ba, 700 sqft, Pets: No  
314 E Capitol St NE APT 505,  
Washington, DC

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**To:** dan.merica@cnn.com[dan.merica@cnn.com]  
**Cc:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Thur 4/5/2018 5:20:46 AM  
**Subject:** Statement from Kevin

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

**To:** zahra.hirji@buzzfeed.com[zahra.hirji@buzzfeed.com]  
**Cc:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Thur 4/5/2018 5:11:50 AM  
**Subject:** Statement from Kevin

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

Sent from my iPhone

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**Cc:** Wilcox, Jahan[wilcox.jahan@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Thur 4/5/2018 5:10:44 AM  
**Subject:** Re: Statement from Kevin

Jana , what do you think? Any need for a further statement?

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy

On Apr 5, 2018, at 1:08 AM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

## Ex. 5 - Deliberative Process

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 5, 2018, at 1:02 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

## Ex. 5 - Deliberative Process

Ryan Jackson  
Chief of Staff  
U.S. EPA

**Ex. 6 - Personal Privacy**

On Apr 5, 2018, at 12:57 AM, Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

I've been fighting with CNN free now.  
Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 5, 2018, at 12:41 AM, Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)> wrote:

Do you guys have one more moment to get in the phone?

Ryan Jackson  
Chief of Staff  
U.S. EPA

**Ex. 6 - Personal Privacy**

On Apr 5, 2018, at 12:40 AM, Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

I am happy to go on the record on any of these points and that the memo is not saying nor do I believe that information was withheld from me.  
Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

Main Office Line: 202-564-8040

Begin forwarded message:

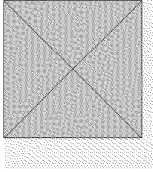
**From:** "Wilcox, Jahan" <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
**Date:** April 5, 2018 at 12:33:57 AM EDT  
**To:** "jjacobs68@bloomberg.net" <[jjacobs68@bloomberg.net](mailto:jjacobs68@bloomberg.net)>, "jdlouhy1@bloomberg.net" <[jdlouhy1@bloomberg.net](mailto:jdlouhy1@bloomberg.net)>  
**Cc:** "Minoli, Kevin" <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>  
**Subject:** Statement from Kevin

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** DC-WJCN-4020-M@epa.gov  
**Sent:** Fri 3/30/2018 7:26:00 PM  
[Evaluation of Lease Agreement2018-03-30-152600.pdf](#)

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Zillow  
**Sent:** Wed 4/11/2018 2:00:47 PM  
**Subject:** New Listing: 413 A St NE, Washington, DC 20002. Your 'Capitol Hill, Washington, DC' Search.



## Instant Update

mo.

☒ For Rent

**\$3,600/mo**

2 bd, 1 ba

413 A St NE, Washington, DC

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**To:** Wilcox, Jahan[wilcox.jahan@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Christopher Flavelle (BLOOMBERG/ NEWSROOM:)  
**Sent:** Tue 4/10/2018 5:56:02 PM  
**Subject:** Re: Seeking comment

Kevin, can I treat this email as on the record and for attribution? You haven't indicated otherwise; if so, I'll update the story now.

Christopher Flavelle  
Climate adaptation reporter, Bloomberg News  
[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | @cflav  
Direct line: Ex. 6 - Personal Privacy  
Signal: Ex. 6 - Personal Privacy  
1101 New York Avenue NW  
Washington, DC, 20005

From: Minoli.Kevin@epa.gov At: 04/10/18 11:54:31  
To: [Christopher Flavelle \(BLOOMBERG/ NEWSROOM: \)](mailto:Christopher.Flavelle@BLOOMBERG/NEWSROOM), [wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)  
Subject: Re: Seeking comment

Christopher- I am writhing regarding your story today where you quote the first sentence of my answer but not the second. That leaves an impression that we do not see any potential ethics issues, which is not accurate. This hypothetical - or real situation for the Administrator - is not an issue of financial conflicts of interest as that term is defined in the ethics regulations. It is, as my April 4th memorandum indicates, an issue of the impartiality of the employee in the performance of their official duties. All employees have to comply with the impartiality requirements in the ethics regulations from the Administrator to the newest employee, and if they are found to have not complied they would each face potential disciplinary action. My memoranda to date to not evaluate the question of whether the Administrator complied with those requirements as that is matter that the Office of Inspector General has been asked to investigate.

Kevin

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 6, 2018, at 6:15 PM, Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

Hi Christopher- I think there may be some confusion regarding the ethics terms conflict of interest and impartiality. The Office of Government Ethics' website is helpful for that  
(<https://oge.gov/web/oge.nsf/Resources/A+Refresher+on+the+Impartiality+Rule>), and

here is language describing the difference from their site:

"Under the primary conflict of interest law, an employee must not participate in any particular matter affecting the employee's financial interests, and the impartiality rule goes even further by focusing on appearance issues. This rule applies even when the employee is free of financial conflicts of interest.

Briefly stated, the impartiality rule requires an employee to consider appearance concerns before participating in a particular matter if someone close to the employee is involved as a party to that matter. This requirement to refrain from participating (or "recuse") is designed to avoid the appearance of favoritism in government decision-making."

So to answer your question:

No, employees would not be violating any conflicts of interest requirements as the tenant in a hypothetical similar situation. As stated at the end of the April 4<sup>th</sup> Memorandum, however, "[All] federal employee[s] must comply with the Standards of Ethical Conduct, including those relating to impartiality, at all times."

Kevin

**Kevin S. Minoli**

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

**From:** Christopher Flavelle (BLOOMBERG/ NEWSROOM:)

[mailto:[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net)]

**Sent:** Friday, April 06, 2018 5:58 PM

**To:** Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>

**Cc:** Minoli, Kevin <Minoli.Kevin@epa.gov>  
**Subject:** Re: Seeking comment

Thanks. Do you want to address the concern raised to me that an employee engaged in this behavior would likely have been subject to some sort of penalty, on the grounds of a perceived conflict of interest?

Sent from Bloomberg Professional for iPhone

Christopher Flavelle  
Climate adaptation reporter, Bloomberg News  
[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | [@cflav](#)  
Direct line: Ex. 6 - Personal Privacy  
Signal: Ex. 6 - Personal Privacy  
1101 New York Avenue NW  
Washington, DC, 20005

----- Original Message -----

From: Jahan Wilcox <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
To: CHRISTOPHER FLAVELLE  
CC: [Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)  
At: 06-Apr-2018 17:55:23

Statement from Kevin that we sent out on Thursday:

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

Sent from my iPhone

On Apr 6, 2018, at 5:29 PM, Christopher Flavelle (BLOOMBERG/NEWSROOM:) <[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net)> wrote:

Good afternoon. We're working on a story about what consequences an EPA employee might have faced for entering a similar rental arrangement as Administrator Pruitt.

Union officials and outside government ethics experts say a career staffer would be likely to face some sort of disciplinary action for such an arrangement, noting that it would create the perception of a conflict of interest. I wondered if your office would like to comment.

Also, is the attached appendix ("Guidance on Corrective Discipline") still in effect?

Best,

Chris

Christopher Flavelle  
Climate adaptation reporter, Bloomberg News  
[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | @cflav

Direct line: Ex. 6 - Personal Privacy

Signal: Ex. 6 - Personal Privacy

1101 New York Avenue NW  
Washington, DC, 20005

<Disciplinary Table (Nature of Offenses).pdf>

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**Cc:** Grantham, Nancy[Grantham.Nancy@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Tue 4/10/2018 5:14:43 PM  
**Subject:** RE: Seeking comment

Ex. 5 - Deliberative Process

**From:** Christopher Flavelle (BLOOMBERG/ NEWSROOM:) [mailto:cflavelle@bloomberg.net]  
**Sent:** Tuesday, April 10, 2018 1:14 PM  
**To:** Wilcox, Jahan <wilcox.jahan@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>  
**Subject:** Re: Seeking comment

Hi Kevin - thanks for the note. The story notes in the 7th paragraph, and also the third-to-last paragraph, the points you're making below about the limits of your findings. But if I'm mistaken, and there remains something specific that you feel is missing in those paragraphs regarding the scope of your findings, please let me know and I'm happy to talk to my editor about updating the story accordingly.

Best,

Chris

Sent from Bloomberg Professional for iPhone

Christopher Flavelle  
Climate adaptation reporter, Bloomberg News  
[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | [@cflav](mailto:cflav)

Direct line: Ex. 6 - Personal Privacy

Signal: Ex. 6 - Personal Privacy

1101 New York Avenue NW  
Washington, DC, 20005

----- Original Message -----

**From:** Kevin Minoli <Minoli.Kevin@epa.gov>  
**To:** CHRISTOPHER FLAVELLE, [wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)  
**At:** 10-Apr-2018 11:54:31

Christopher- I am writhing regarding your story today where you quote the first sentence of my answer but not the second. That leaves an impression that we do not see any potential ethics issues, which is not accurate.

This hypothetical - or real situation for the Administrator - is not an issue of financial conflicts of interest as that term is defined in the ethics regulations. It is, as my April 4th memorandum indicates, an issue of the impartiality of the employee in the performance of their official duties. All employees have to comply with the impartiality requirements in the ethics regulations from the Administrator to the newest employee, and if they are found to have not complied they would each face potential disciplinary action. My memoranda to date to not evaluate the question of whether the Administrator complied with those requirements as that is matter that the Office of Inspector General has been asked to investigate.

Kevin

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 6, 2018, at 6:15 PM, Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

Hi Christopher- I think there may be some confusion regarding the ethics terms conflict of interest and impartiality. The Office of Government Ethics' website is helpful for that (<https://oge.gov/web/oge.nsf/Resources/A+Refresher+on+the+Impartiality+Rule>), and here is language describing the difference from their site:

"Under the primary conflict of interest law, an employee must not participate in any particular matter affecting the employee's financial interests, and the impartiality rule goes even further by focusing on appearance issues. This rule applies even when the employee is free of financial conflicts of interest.

Briefly stated, the impartiality rule requires an employee to consider appearance concerns before participating in a particular matter if someone close to the employee

is involved as a party to that matter. This requirement to refrain from participating (or "recuse") is designed to avoid the appearance of favoritism in government decision-making."

So to answer your question:

No, employees would not be violating any conflicts of interest requirements as the tenant in a hypothetical similar situation. As stated at the end of the April 4<sup>th</sup> Memorandum, however, "[All] federal employee[s] must comply with the Standards of Ethical Conduct, including those relating to impartiality, at all times."

Kevin

**Kevin S. Minoli**

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

**From:** Christopher Flavelle (BLOOMBERG/ NEWSROOM:)  
[mailto:[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net)]  
**Sent:** Friday, April 06, 2018 5:58 PM  
**To:** Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
**Cc:** Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>  
**Subject:** Re: Seeking comment

Thanks. Do you want to address the concern raised to me that an employee engaged in this behavior would likely have been subject to some sort of penalty, on the grounds of a perceived conflict of interest?

Sent from Bloomberg Professional for iPhone

Christopher Flavelle

Climate adaptation reporter, Bloomberg News

[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | @cflav

Direct line: [Ex. 6 - Personal Privacy]

Signal: [Ex. 6 - Personal Privacy]

1101 New York Avenue NW

Washington, DC, 20005

----- Original Message -----

From: Jahan Wilcox <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>

To: CHRISTOPHER FLAVELLE

CC: [Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)

At: 06-Apr-2018 17:55:23

Statement from Kevin that we sent out on Thursday:

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

Sent from my iPhone

On Apr 6, 2018, at 5:29 PM, Christopher Flavelle (BLOOMBERG/NEWSROOM:) <[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net)> wrote:

Good afternoon. We're working on a story about what consequences an EPA employee might have faced for entering a similar rental arrangement as Administrator Pruitt.



Union officials and outside government ethics experts say a career staffer would be likely to face some sort of disciplinary action for such an arrangement, noting that it would create the perception of a conflict of interest. I wondered if your office would like to comment.

Also, is the attached appendix ("Guidance on Corrective Discipline") still in effect?

Best,

Chris

Christopher Flavelle  
Climate adaptation reporter, Bloomberg News  
[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | @cflav  
Direct line: Ex. 6 - Personal Privacy  
Signal: Ex. 6 - Personal Privacy  
1101 New York Avenue NW  
Washington, DC, 20005

<Disciplinary Table (Nature of Offenses).pdf>

**To:** Strassel, Kim[kim.strassel@wsj.com]  
**Cc:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Thur 4/5/2018 10:15:01 PM  
**Subject:** Statement from Kevin

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

**To:** dlippman@politico.com[dlippman@politico.com]  
**Cc:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Thur 4/5/2018 4:51:17 AM  
**Subject:** Statement from Kevin for Playbook

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**Cc:** Bowman, Liz[Bowman.Liz@epa.gov]  
**From:** Biesecker, Michael  
**Sent:** Thur 4/5/2018 7:57:04 PM  
**Subject:** RE: New statement

Hey Kevin. Are you still sending something out?

**From:** Biesecker, Michael  
**Sent:** Thursday, April 05, 2018 1:18 PM  
**To:** 'Minoli.kevin@epa.gov' <Minoli.kevin@epa.gov>  
**Cc:** 'Bowman, Liz' <Bowman.Liz@epa.gov>  
**Subject:** New statement

Kevin,

Liz says you have a new statement regarding the letter you drafted yesterday about Administrator Pruitt's lease. Could you please send it to me.

Thanks,

Michael



**ASSOCIATED PRESS**

**Michael Biesecker**

Investigative Reporter

[mbiesecker@ap.org](mailto:mbiesecker@ap.org)

1100 13 St. NW, Suite 700

Washington, D.C. 20005-4076

Twitter: @mbieseck

Public Key

T Ex. 6 - Personal Privacy

M Ex. 6 - Personal Privacy

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“I go with Custer and will be at the death.” – AP reporter Mark Kellogg’s final dispatch from the Battle of the Little Bighorn, 1876

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**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**Cc:** Wilcox, Jahan[wilcox.jahan@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Thur 4/5/2018 4:49:04 AM  
**Subject:** Re: Statement from Kevin

Hey so much appreciated and we'll do that tomorrow.  
Another day.

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy

On Apr 5, 2018, at 12:40 AM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

I am happy to go on the record on any of these points and that the memo is not saying nor do I believe that information was withheld from me.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

Begin forwarded message:

**From:** "Wilcox, Jahan" <wilcox.jahan@epa.gov>  
**Date:** April 5, 2018 at 12:33:57 AM EDT  
**To:** "jjacobs68@bloomberg.net" <jjacobs68@bloomberg.net>,  
"jdlouhy1@bloomberg.net" <jdlouhy1@bloomberg.net>  
**Cc:** "Minoli, Kevin" <Minoli.Kevin@epa.gov>  
**Subject:** Statement from Kevin

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or

mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**Cc:** Wilcox, Jahan[wilcox.jahan@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Thur 4/5/2018 4:41:58 AM  
**Subject:** Re: Statement from Kevin

Do you guys have one more moment to get in the phone?

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy

On Apr 5, 2018, at 12:40 AM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

I am happy to go on the record on any of these points and that the memo is not saying nor do I believe that information was withheld from me.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

Begin forwarded message:

**From:** "Wilcox, Jahan" <wilcox.jahan@epa.gov>  
**Date:** April 5, 2018 at 12:33:57 AM EDT  
**To:** "jjacobs68@bloomberg.net" <jjacobs68@bloomberg.net>,  
"jdlouhy1@bloomberg.net" <jdlouhy1@bloomberg.net>  
**Cc:** "Minoli, Kevin" <Minoli.Kevin@epa.gov>  
**Subject:** Statement from Kevin

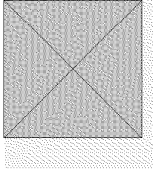
Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion



covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Zillow  
**Sent:** Thur 4/5/2018 6:13:33 PM  
**Subject:** New Listing: 320 D St NE, Washington, DC 20002. Your '2BRs For Rent near Washington 20002' Search.



## Instant Update

no.

☒ For Rent

**\$2,700/mo**

**2 bd, 2 ba, 850 sqft**

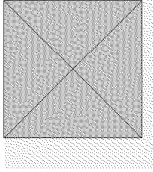
**320 D St NE, Washington, DC**

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**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Zillow  
**Sent:** Thur 4/5/2018 6:06:39 PM  
**Subject:** New Listing: 320 D St NE, Washington, DC 20002. Your 'Capitol Hill, Washington, DC' Search.



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mo.

☒ For Rent

**\$2,700/mo**

**2 bd, 2 ba, 850 sqft**

**320 D St NE, Washington, DC**

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**To:** dslack@usatoday.com[dslack@usatoday.com]; lsrlking@gannett.com[lsrlking@gannett.com]  
**Cc:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Thur 4/5/2018 4:37:05 AM  
**Subject:** Statement from Kevin

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

**To:** jjacobs68@bloomberg.net[jjacobs68@bloomberg.net];  
jdlouhy1@bloomberg.net[jdlouhy1@bloomberg.net]  
**Cc:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Thur 4/5/2018 4:33:57 AM  
**Subject:** Statement from Kevin

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

**To:** kbogardus@eenews.net[kbogardus@eenews.net]  
**Cc:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Thur 4/5/2018 4:27:31 AM

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

**To:** AlemanyJ@cbsnews.com[AlemanyJ@cbsnews.com]  
**Cc:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Thur 4/5/2018 4:26:52 AM  
**Subject:** Here's our statement from Kevin Minoli

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Thur 4/5/2018 4:26:00 AM  
**Subject:** Re: What do you think?

I will send this to a few reporters and include you on the email.

Sent from my iPhone

> On Apr 5, 2018, at 12:18 AM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

>

> Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

>

> Kevin S. Minoli  
> Principal Deputy General Counsel  
> Office of General Counsel  
> US Environmental Protection Agency  
> Main Office Line: 202-564-8040



**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Thur 4/5/2018 5:25:31 PM  
**Subject:** RE: New statement

## Ex. 5 - Deliberative Process

**From:** Minoli, Kevin  
**Sent:** Thursday, April 5, 2018 1:24 PM  
**To:** Wilcox, Jahan <wilcox.jahan@epa.gov>  
**Subject:** Fwd: New statement

## Ex. 5 - Deliberative Process

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

Begin forwarded message:

**From:** "Biesecker, Michael" <MBiesecker@ap.org>  
**Date:** April 5, 2018 at 1:18:25 PM EDT  
**To:** "Minoli, Kevin" <Minoli.kevin@epa.gov>  
**Cc:** "Bowman, Liz" <Bowman.Liz@epa.gov>  
**Subject:** New statement

Kevin,

Liz says you have a new statement regarding the letter you drafted yesterday about Administrator Pruitt's lease. Could you please send it to me.

Thanks,

Michael

**AP**

**ASSOCIATED PRESS**

**Michael Biesecker**

1100 13 St. NW, Suite 700

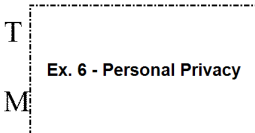
Investigative Reporter

Washington, D.C. 20005-4076

[mbiesecker@ap.org](mailto:mbiesecker@ap.org)

Twitter: @mbieseck

[Public Key](#)



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**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Bowman, Liz  
**Sent:** Thur 4/5/2018 5:19:29 PM  
**Subject:** FW: New statement

## Ex. 5 - Deliberative Process

**From:** Biesecker, Michael [mailto:MBiesecker@ap.org]  
**Sent:** Thursday, April 5, 2018 1:18 PM  
**To:** Minoli, Kevin <Minoli.Kevin@epa.gov>  
**Cc:** Bowman, Liz <Bowman.Liz@epa.gov>  
**Subject:** New statement

Kevin,

Liz says you have a new statement regarding the letter you drafted yesterday about Administrator Pruitt's lease. Could you please send it to me.

Thanks,

Michael

**AP**

\*\*\*\*\*

**ASSOCIATED PRESS**

**Michael Biesecker**

Investigative Reporter

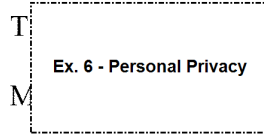
[mbiesecker@ap.org](mailto:mbiesecker@ap.org)

1100 13 St. NW, Suite 700

Washington, D.C. 20005-  
4076

Twitter: @mbieseck

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“I go with Custer and will be at the death.” – AP reporter Mark Kellogg’s final dispatch from the Battle of the Little Bighorn, 1876

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**To:** Richard.Valdmanis@thomsonreuters.com[Richard.Valdmanis@thomsonreuters.com]  
**Cc:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Thur 4/5/2018 4:53:55 PM  
**Subject:** Statement from Kevin

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

**To:** Turner, Trish[Trish.Turner@abc.com]  
**Cc:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Thur 4/5/2018 4:34:23 PM  
**Subject:** Statement from Kevin

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

**To:** Wilcox, Jahan[wilcox.jahan@epa.gov]  
**Cc:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Maggie Haberman  
**Sent:** Thur 4/5/2018 3:39:32 PM  
**Subject:** Re: Statement from Kevin M

Thank you both. Sorry for the belated response - I am out.

On Thu, Apr 5, 2018 at 3:32 AM Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

--

Maggie Haberman  
Political correspondent  
New York Times  
twitter: @maggieNYT  
AIM/gchat: **Ex. 6 - Personal Privacy**



**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Josh Siegel  
**Sent:** Thur 4/5/2018 2:32:38 PM  
**Subject:** Re: Statement from Kevin

Hi Kevin,

This is Josh Siegel with the Washington Examiner. I am reporting on the contents of the memo you wrote dated yesterday about Administrator Pruitt's condo arrangement, which Jahan Wilcox of the press office provided me. I am still uncertain about some of the meaning from the memo. Would you be willing and able to answer a few questions for me? I would appreciate the opportunity.

I am at Ex. 6 - Personal Privacy or can correspond through email if you prefer.

Thanks,  
Josh

On Thu, Apr 5, 2018 at 9:56 AM, Josh Siegel <[jsiegel@washingtonexaminer.com](mailto:jsiegel@washingtonexaminer.com)> wrote:

Thanks, Jahan. So I am taking this to mean that Kevin is not changing his original ruling that the lease is market value and not a gift, even if Administrator Pruitt's daughter stayed in another bedroom of the condo?

Josh

On Thu, Apr 5, 2018 at 9:39 AM, Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)> wrote:

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Emily Holden  
**Sent:** Thur 4/5/2018 2:26:51 PM  
**Subject:** Re: Can you chat?

Can we talk? Thanks!

Emily Holden

Reporter, energy/climate

**POLITICO**

[eholden@politico.com](mailto:eholden@politico.com)

Cell: Ex. 6 - Personal Privacy

[@emilyhholden](#)

On Apr 5, 2018, at 10:12 AM, Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

Thank you.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 5, 2018, at 7:11 AM, Emily Holden <[eholden@politico.com](mailto:eholden@politico.com)> wrote:

My apologies, I finally fell asleep last night expecting that there was no way you'd get anyone a statement at 1 am. We're including it in a story now.

Emily Holden

Reporter, energy/climate

**POLITICO**

[eholden@politico.com](mailto:eholden@politico.com)

Cell: Ex. 6 - Personal Privacy

@emilyhholden

On Apr 5, 2018, at 1:01 AM, Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

Here is what we are saying as an official statement. If you do not think that it is clear or have more questions please do call Ex. 6 - Personal Privacy  
Begin forwarded message:

**From:** "Wilcox, Jahan" <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
**Date:** April 5, 2018 at 12:51:17 AM EDT  
**To:** "[dlippman@politico.com](mailto:dlippman@politico.com)" <[dlippman@politico.com](mailto:dlippman@politico.com)>  
**Cc:** "Minoli, Kevin" <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>  
**Subject:** Statement from Kevin for Playbook

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 5, 2018, at 12:35 AM, Emily Holden <[eholden@politico.com](mailto:eholden@politico.com)> wrote:

Well we would be happy to make that clear then. Do you disagree with how they characterized it as walking back the earlier memo? Please just let me know when you can provide that/chat so we can get the framing right as we continue to reference other reporters' work. Thanks!

Emily Holden

Reporter, energy/climate

**POLITICO**

[eholden@politico.com](mailto:eholden@politico.com)

Cell: Ex. 6 - Personal Privacy

[@emilyhholden](#)

On Apr 5, 2018, at 12:23 AM, Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

I am working on an official statement and could potentially talk officially then, but I do not believe the CNN article fairly describes my memo.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 4, 2018, at 10:38 PM, Emily Holden <[eholden@politico.com](mailto:eholden@politico.com)> wrote:

Wanted to reach out to you directly, thanks.

Emily Holden

Reporter, energy/climate

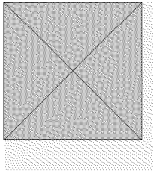
**POLITICO**

[eholden@politico.com](mailto:eholden@politico.com)

Cell: Ex. 6 - Personal Privacy

[@emilyhholden](#)

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Zillow  
**Sent:** Mon 4/9/2018 9:31:12 PM  
**Subject:** New Listing: 610 E Capitol St NE APT A4, Washington, DC 20003. Your 'For Rent near Washington 20002' Search.



## Instant Update

no.

 For Rent

**\$1,641/mo**

1 bd, 1 ba, 700 sqft  
610 E Capitol St NE APT A4,  
Washington, DC

[Go to daily summary](#)

[Unsubscribe from this email](#)

301 Second Avenue, Floor 31, Seattle, WA 98101 [Privacy policy](#)

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**Cc:** Duross, Jeanne[Duross.Jeanne@epa.gov]; Griffo, Shannon[Griffo.Shannon@epa.gov]; Ross, Margaret[Ross.Margaret@epa.gov]; Keith, Jennie[Keith.Jennie@epa.gov]; Fugh, Justina[Fugh.Justina@epa.gov]  
**From:** Justina Fugh  
**Sent:** Fri 3/30/2018 4:37:05 AM  
**Subject:** I was asked to speak on the record to Bloomberg News tonight

Hi Kevin (and OGC/Ethics team),

I am writing to confirm what happened earlier this evening. I am using my personal email because I don't have my EPA computer at home, and this message is too long for me to competently type on my EPA iphone.

I spoke to Matt Leopold and Ryan Jackson at about 8:45 pm, who wanted to talk about the Administrator's living arrangements from about February to September 2017. They explained that Mr. Pruitt had rented a room in a house on Capitol Hill that was not usually used for living space (but rather for parties or other events). The house is owned by a couple, one of whom is a federally registered lobbyist. At least one of them has donated in the past to Mr. Pruitt's campaign. They consider themselves to be friends. Mr. Pruitt signed a lease, portions of which were read to me over the phone. He was not given unfettered access to the entire property but rather had access to and use of just one room that had a shared bathroom with another room. He paid rent of \$50 per night he was in residence. Though initially he thought he would stay for only a couple of months, he stayed for about 5.5 months. He has since moved to another place ( I gather now with Mrs. Pruitt, since the younger kid is now in college and the older kid is in law school). Matt and Ryan said they had before them several cancelled checks from Mr. Pruitt to the landlord for his rent, totalling about \$6600. Thus, Mr. Pruitt paid rent of about \$1100 per month for what I think of as a "flop house" room.

I was asked if this arrangement constituted an impermissible gift, and concluded that it did not. Mr. Pruitt paid a rental fee for his living space that was offered to him by a personal friend. This arrangement seemed to me to be a routine transaction and, even if it were a gift, it's still permissible under the "personal friendship" exception. The fact that the friend is a lobbyist did not alter my conclusion. The personal friend exception is permissible under the ethics pledge.

Ryan then asked me to speak on the record to Bloomberg News. Matt and Ryan, joined by Jahan Wilcox, called me back and then connected the reporter. The reporter, whose name was Jennifer Jacobs (I think), asked me to explain why Mr. Pruitt's living arrangement was not a gift. I said that I am a career employee of the agency and have been the ethics counsel for a dozen years, and that Mr. Pruitt paid a reasonable rent for what he received. If you have a routine consumer transaction and pay the price, then it's not a gift. I gathered that she was inferring a concern under the lobbying gift ban, so

explained that this language of the Trump pledge is identical to what appeared in the Obama pledge and that, under both pledges, the "personal friendship" exception exists. But in this case, Mr. Pruitt paid rent rather than get something for free. She asked me if I had seen "with [my] own eyes" the cancelled checks, and I said no, because I was sitting in a movie theater at that moment. She asked to see the checks, which concerned me because of the personal privacy information. Besides, the checks are not EPA records that would be released under FOIA. Jahan then volunteered that EPA would get her the checks that prove Mr. Pruitt had paid \$6600 in rent. I asked them to be sure to redact the account, routing and personal address information on those checks first.

I was asked to confirm my name and affirmed that I did not believe there is an ethics issue here based on what I know. So if you happen to see a story in the news tomorrow, you'll know my version first.

Justina

PS -- I missed the first 10 minutes of the movie, but since I'd read the book, it wasn't hard to catch up.

**To:** Timothy Cama[tcama@thehill.com]  
**Cc:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Thur 4/5/2018 1:50:59 PM  
**Subject:** Statement from Kevin

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency



**To:** Josh Siegel[jsiegel@washingtonexaminer.com]  
**Cc:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Wilcox, Jahan  
**Sent:** Thur 4/5/2018 1:39:09 PM  
**Subject:** Statement from Kevin

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Walter Shaub  
**Sent:** Wed 4/4/2018 10:53:37 PM  
**Subject:** Re: memorandum of 30 March 2018  
[image001.png](#)

Thanks, Kevin

Sent from my iPhone

> On Apr 4, 2018, at 6:52 PM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:  
>  
> Walter, Please see the attached, which I believe answers your questions. Thank you, Kevin  
>  
>  
> Kevin S. Minoli  
> Principal Deputy General Counsel  
> Office of General Counsel  
> US Environmental Protection Agency  
> Main Office Line: 202-564-8064  
>  
> From: Walter Shaub [mailto:WShaub@campaignlegalcenter.org]  
> Sent: Tuesday, April 03, 2018 1:50 PM  
> To: Minoli, Kevin <Minoli.Kevin@epa.gov>  
> Subject: memorandum of 30 March 2018  
>  
> Kevin,  
>  
> I'm looking at your March 30, 2018 memorandum with the subject line "Review of Lease Agreement Under the Federal Ethics Regulations Regarding Gifts." I'm hoping you might be able to answer a few questions about the memorandum.  
>  
>  
> 1. Can you tell me how you arrived at the conclusion that \$50 per night was consistent with market value in the neighborhood in which the residence is located?  
>  
>  
> 2. Was your market value assessment based on an assumption that he was leasing only one room in the residence or that he was leasing the whole residence?  
>  
>  
>  
> 3. You write at the end of your letter that, "[U]se of the property in accordance with the lease agreement did not constitute a gift as a defined in those regulations."  
>  
>  
>  
> a. Does this language reflect a factual determination that Administrator Pruitt did, in fact, use the property only in accordance with the lease agreement?  
>  
>  
>  
> b. If not, why did you limit your analysis to the lease terms and not the history of how the property was actually used?  
>  
>

# Ex. 5 - Deliberative Process

>  
>  
> Walt  
>  
>  
> [cid:image001.png@01D32739.A0DB6BB0]  
>  
> Walter M. Shaub, Jr.  
> Senior Director, Ethics  
>  
> Ex. 6 - Personal Privacy @<<https://twitter.com/SandhyaJB>>CampaignLegal  
>  
> Campaign Legal Center  
> 1411 K St. NW, Suite 1400  
> Washington, DC 20005  
> [campaignlegalcenter.org](http://www.campaignlegalcenter.org/)<<http://www.campaignlegalcenter.org/>>  
>  
> Facebook<<https://www.facebook.com/CampaignLegalCenter/>> |  
> Twitter<<https://twitter.com/CampaignLegal>>  
>  
>  
>  
> <image001.png>  
> <Record Re Review of Lease2018-04-04-163433.pdf>

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Tue 4/3/2018 8:35:11 PM  
**Subject:** RE: Press Statements Regarding the Friday Memo

## **Ex. 5 - Deliberative Process**

**From:** Minoli, Kevin  
**Sent:** Monday, April 2, 2018 11:29 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** Re: Press Statements Regarding the Friday Memo

## **Ex. 5 - Deliberative Process**

# **Ex. 5 - Deliberative Process**

Thanks, Kevin

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 2, 2018, at 11:01 PM, Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)> wrote:

# **Ex. 5 - Deliberative Process**

Ryan Jackson

Chief of Staff

U.S. EPA

**Ex. 6 - Personal Privacy**

Begin forwarded message:

**From:** "Wilcox, Jahan" <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
**Date:** April 2, 2018 at 10:55:46 PM EDT  
**To:** "Jackson, Ryan" <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Subject:** Fwd: Press Statements Regarding the Friday Memo

Sent from my iPhone

Begin forwarded message:

**From:** "Minoli, Kevin" <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>  
**Date:** April 2, 2018 at 10:49:21 PM EDT  
**To:** "Bowman, Liz" <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>, "Wilcox, Jahan" <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>, "Grantham, Nancy" <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Cc:** "Leopold, Matt" <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>, "Fugh, Justina" <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** Press Statements Regarding the Friday Memo

Hi Folks- I want to make sure that whenever the agency is referring to the memo that I wrote on Friday we are referring to it in a way that is consistent with what it does and does not indicate that the memo does more than it did.

Today was the first day where I saw articles asking about specific actions the agency or the Administrator may have taken that have some alleged or real connection to the people were connected to the apartment. The memo from Friday in no way speaks to those actions, either by in endorsing them or calling them in

the question. The memo addressed only the questions of whether the act of signing the lease or living in the space as described in the lease amounted to a prohibited gift. I stand behind my conclusion they were not.

The ethics rules and obligations continue to apply to any action the agency and the Administrator has taken or will take, however, and the fact that he has entered into a lease with Vicki Hart on behalf of 233C LLC may or may not be relevant to understanding how the ethics rules apply to any particular action. We have not been asked to advise on any particular action that has been taken or provide guidance on future actions, and so the memo cannot be cited in response to questions raised about actions other than signing the lease and living in the space consistent with the lease.

Again, I am happy to work with folks on specific statements as they arise or on a generic one that can be used whenever questions like these come in. Let me know how to help with those if you are interested.

Thanks, Kevin

**Pruitt Had a \$50-a-Day Condo Linked to Lobbyists. Their Client's Project Got Approved.**

The New York Times

The E.P.A. chief was using an apartment partly owned by the wife of the chairman of the lobbying firm as its client sought the agency's sign off on a pipeline project. [Read the full story](#)

Shared from [Apple News](#)

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel

US Environmental Protection Agency  
Main Office Line: 202-564-8040



**To:** Albores, Richard[Albores.Richard@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]; Fugh, Justina[Fugh.Justina@epa.gov]  
**Cc:** Daguiard, Robert[Daguiard.Robert@epa.gov]  
**From:** Grantham, Nancy  
**Sent:** Tue 4/3/2018 4:13:41 PM  
**Subject:** RE: PRESS INQUIRY: Buzzfeed Reporter

Thanks .. will share with liz and Jahan

**Nancy Grantham**

**Office of Public Affairs**

**US Environmental Protection Agency**

**202-564-6879 (desk)**

Ex. 6 - Personal Privacy (mobile)

**From:** Albores, Richard  
**Sent:** Tuesday, April 03, 2018 12:00 PM  
**To:** Minoli, Kevin <Minoli.Kevin@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>  
**Cc:** Grantham, Nancy <Grantham.Nancy@epa.gov>; Daguiard, Robert <Daguiard.Robert@epa.gov>  
**Subject:** PRESS INQUIRY: Buzzfeed Reporter

Kevin/Justina:

I have a message from Ari Hearty (sp?) from Buzzfeed News. She has questions on process for issuing last Friday's ethics memo on the apartment lease.

Her number is Ex. 6 - Personal Privacy on deadline.

**How would you like to respond?**

R

~~~~~

**RICHARD L. ALBORES**

Associate Deputy General Counsel \* Office of General Counsel \* U.S. EPA \* 1200 Pennsylvania Avenue,  
NW \* MC2310A \* Washington, DC 20460 \* email: [albores.richard@epa.gov](mailto:albores.richard@epa.gov) \* phone: 202.564.7102 \*

mobile: Ex. 6 - Personal Privacy

**To:** Leopold, Matt[Leopold.Matt@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Mon 4/9/2018 5:13:44 PM  
**Subject:** RE: Complaint to Office of Government Ethics

Hi Matt,

## Ex. 5 - Deliberative Process

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Leopold, Matt  
**Sent:** Monday, April 09, 2018 1:01 PM  
**To:** Minoli, Kevin <Minoli.Kevin@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** FW: Complaint to Office of Government Ethics

## Ex. 5 - Deliberative Process

**Matthew Z. Leopold**

General Counsel

U.S. Environmental Protection Agency

(202) 564-8040

**From:** Jeffry Fowley [mailto:jfowley@epa.gov] Ex. 6 - Personal Privacy  
**Sent:** Monday, April 9, 2018 11:09 AM  
**To:** Leopold, Matt <Leopold.Matt@epa.gov>  
**Subject:** Fwd: Complaint to Office of Government Ethics

fyi

-----Original Message-----

**From:** Jeffry Fowley <jfowley@epa.gov> Ex. 6 - Personal Privacy  
**To:** contactoge <contactoge@oge.gov>  
**Sent:** Mon, Apr 9, 2018 11:08 am  
**Subject:** Complaint to Office of Government Ethics

I am asking that your office take over looking into the alleged violations of federal ethics rules by EPA Administrator Scott Pruitt. In particular, you should examine whether the gift regulations, or any other ethics regulations, were violated by Mr. Pruitt in connection with the rental of a condo unit from Vicki Hart.

As you may know, the EPA Office of General Counsel ethics officer Kevin Minoli initially issued a legal opinion on March 30 advising that no violation of the gift regulations had occurred. However, he subsequently has had to back-track and has issued a second legal opinion dated April 4 admitting that when the March 30 memorandum was written, he did not have all of the relevant facts. Notwithstanding this, the EPA Office of General Counsel has failed to take the next logical step and to conduct a new ethics evaluation - using the true facts - in order to determine whether any ethics violations have occurred. On Friday (April 6), I asked EPA General Counsel Matthew Leopold to order that such a new evaluation be conducted. I also asked that Mr. Minoli be recused from any further involvement in this matter, given the deficient nature of his initial work and the likelihood that he would not be objective in evaluating this matter and his own deficient work. I have been told by EPA attorney Justina Fugh that no further ethics evaluation will be conducted, and have not heard back from Mr. Leopold.

It is apparent that the EPA Office of General Counsel is unwilling or unable to do its ethics job. You are no doubt aware of the reports that when more courageous EPA personnel have attempted to advise honestly about ethics matters, negative consequences from Mr. Pruitt have followed. It seems apparent that an independent agency - i.e. your agency - needs to conduct any ethics evaluation if it is to be fair and proper.

Please conduct an evaluation of this matter. I would be happy to cooperate with you in any way I can, including forwarding to you the emails I have sent to the Office of General Counsel and EPA Inspector General's Office. You may contact me here by email or may call me at [redacted] Ex. 6 - Personal Privacy You may use my name as appropriate when conducting your investigation - keeping this confidential is not required. Jeffry Fowley

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]; Fugh, Justina[Fugh.Justina@epa.gov]  
**From:** Leopold, Matt  
**Sent:** Mon 4/9/2018 5:00:31 PM  
**Subject:** FW: Complaint to Office of Government Ethics

## Ex. 5 - Deliberative Process

**Matthew Z. Leopold**

General Counsel

U.S. Environmental Protection Agency

(202) 564-8040

**From:** Jeffry Fowley [mailto:[Ex. 6 - Personal Privacy](#)]  
**Sent:** Monday, April 9, 2018 11:09 AM  
**To:** Leopold, Matt <Leopold.Matt@epa.gov>  
**Subject:** Fwd: Complaint to Office of Government Ethics

fyi

-----Original Message-----

**From:** Jeffry Fowley [mailto:[Ex. 6 - Personal Privacy](#)]  
**To:** contactoge <[contactoge@oge.gov](mailto:contactoge@oge.gov)>  
**Sent:** Mon, Apr 9, 2018 11:08 am  
**Subject:** Complaint to Office of Government Ethics

I am asking that your office take over looking into the alleged violations of federal ethics rules by EPA Administrator Scott Pruitt. In particular, you should examine whether the gift regulations, or any other ethics regulations, were violated by Mr. Pruitt in connection with the rental of a condo unit from Vicki Hart.

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Please conduct an evaluation of this matter. I would be happy to cooperate with you in any way I can, including forwarding to you the emails I have sent to the Office of General Counsel and EPA Inspector General's Office. You may contact me here by email or may call me at Ex. 6 - Personal Privacy You may use my name as appropriate when conducting your investigation - keeping this confidential is not required. Jeffrey Fowley

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Emily Holden  
**Sent:** Mon 4/9/2018 3:08:57 PM  
**Subject:** RE: Can you chat?

Can we talk about the OGE letter and some other matters?

Wanted to reach out to you directly, since the letter is to you.

Thank you.

Emily Holden

Reporter, energy/climate

**POLITICO**

[eholden@politico.com](mailto:eholden@politico.com)

**Ex. 6 - Personal Privacy** (Mobile, WhatsApp, Signal, Confide)

[@emilyhholden](#)

**From:** Emily Holden  
**Sent:** Thursday, April 5, 2018 10:27 AM  
**To:** Minoli, Kevin <Minoli.Kevin@epa.gov>  
**Subject:** Re: Can you chat?

Can we talk? Thanks!

Emily Holden

Reporter, energy/climate

**POLITICO**

[eholden@politico.com](mailto:eholden@politico.com)

Cell: Ex. 6 - Personal Privacy

@emilyhholden

On Apr 5, 2018, at 10:12 AM, Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

Thank you.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 5, 2018, at 7:11 AM, Emily Holden <[eholden@politico.com](mailto:eholden@politico.com)> wrote:

My apologies, I finally fell asleep last night expecting that there was no way you'd get anyone a statement at 1 am. We're including it in a story now.

Emily Holden

Reporter, energy/climate

**POLITICO**

[eholden@politico.com](mailto:eholden@politico.com)

Cell: Ex. 6 - Personal Privacy

@emilyhholden

On Apr 5, 2018, at 1:01 AM, Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

Here is what we are saying as an official statement. If you do not think that it is clear or have more questions please do call Ex. 6 - Personal Privacy

Begin forwarded message:

**From:** "Wilcox, Jahan" <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
**Date:** April 5, 2018 at 12:51:17 AM EDT  
**To:** "[dlippman@politico.com](mailto:dlippman@politico.com)" <[dlippman@politico.com](mailto:dlippman@politico.com)>  
**Cc:** "Minoli, Kevin" <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>  
**Subject:** Statement from Kevin for Playbook



Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 5, 2018, at 12:35 AM, Emily Holden <[eholden@politico.com](mailto:eholden@politico.com)> wrote:

Well we would be happy to make that clear then. Do you disagree with how they characterized it as walking back the earlier memo? Please just let me know when you can provide that/chat so we can get the framing right as we continue to reference other reporters' work. Thanks!

Emily Holden

Reporter, energy/climate

**POLITICO**

[eholden@politico.com](mailto:eholden@politico.com)

Cell: Ex. 6 - Personal Privacy

[@emilyhholden](https://twitter.com/emilyhholden)

On Apr 5, 2018, at 12:23 AM, Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

I am working on an official statement and could potentially talk officially then, but I do not believe the CNN article fairly describes my memo.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 4, 2018, at 10:38 PM, Emily Holden <[eholden@politico.com](mailto:eholden@politico.com)> wrote:

Wanted to reach out to you directly, thanks.

Emily Holden

Reporter, energy/climate

**POLITICO**

[eholden@politico.com](mailto:eholden@politico.com)

Cell: Ex. 6 - Personal Privacy

[@emilyhholden](#)

**To:** Fugh, Justina[Fugh.Justina@epa.gov]  
**Cc:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Walter Shaub  
**Sent:** Wed 4/4/2018 5:39:54 PM  
**Subject:** Re: Clarification of and Record For Review of Lease.docx

This confuses me. My understanding was that Kevin believed the lease entitled the Administrator to occupy only one room in the residence, and he mentioned to me in our conversation that he assessed comparables by looking up Air B&B rates for renting one room in a residence. In fact, he showed me a printout that he had converted to PDF. So I'm confused by the discussion at the end of this draft memo that discusses average rates for renting whole residences. Did I misunderstand Kevin? In other words, was the ethics analysis based on occupying one room or was it based on renting the whole residence? If so, why does this draft say otherwise? Will the memo include the PDF he showed me as an attachment?

Sent from my iPhone

On Apr 4, 2018, at 1:24 PM, Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)> wrote:

Hi Walt,

Kevin Minoli asked me to forward this draft along to you.

Justina

**From:** Minoli, Kevin  
**Sent:** Wednesday, April 04, 2018 1:21 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** Clarification of and Record For Review of Lease.docx

<Clarification of and Record For Review of Lease.docx>

**To:** wshaub@campaignlegalcenter.org[wshaub@campaignlegalcenter.org]  
**Cc:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Wed 4/4/2018 5:24:15 PM  
**Subject:** FW: Clarification of and Record For Review of Lease.docx  
Clarification of and Record For Review of Lease.docx

Hi Walt,

Kevin Minoli asked me to forward this draft along to you.

Justina

**From:** Minoli, Kevin  
**Sent:** Wednesday, April 04, 2018 1:21 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** Clarification of and Record For Review of Lease.docx

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Patrick, Monique  
**Sent:** Wed 4/4/2018 3:47:58 PM  
**Subject:** Scanning  
233 C St Lease Agreement.pdf

As requested.

Monique S. Patrick

Program Specialist

Notary Public

OGC/IO

Main #564-8064

Direct #564-5534

Room #4020C WJC

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Monson, Mahri  
**Sent:** Wed 4/4/2018 3:41:11 PM  
**Subject:** Underline text from "Quiet Enjoyment"

Enjoyment is limited to one bedroom that cannot be locked. All other space is controlled by landlord. Landlord will attempt to notify Tenant if common space is to be utilized during early or late hours. No notice is required for usage during weekday business hours, 8am-6pm. Tenant shall provide Landlord's representative (Vicki Hart) with a cell number for this and all required communications.

Mahri Monson

Office of General Counsel

U.S. Environmental Protection Agency

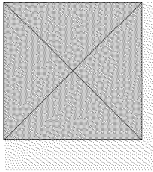
(202) 564-2657

Pronouns: She/Her/Hers

I am a proud member of LGBTQ+ community AND an EPA Ally. [Learn more and take the pledge here.](#)

Help eliminate environmental violations - [report tips and complaints here.](#)

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Zillow  
**Sent:** Sun 4/8/2018 12:23:00 AM  
**Subject:** New Listing: 420 F St NE, Washington, DC 20002. Your 'For Rent near Washington 20002' Search.



## Instant Update

no.

 For Rent

**\$1,900/mo**

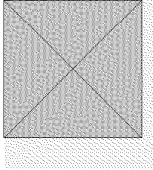
1 bd, 3 ba, 750 sqft, Pets: cats, dogs  
420 F St NE, Washington, DC

[no daily summary](#)

[Unsubscribe from this email](#)

301 Second Avenue, Floor 31, Seattle, WA 98101 [Privacy policy](#)

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Zillow  
**Sent:** Sat 4/7/2018 8:12:43 PM  
**Subject:** New Listing: 516 Constitution Ave NE, Washington, DC 20002. Your 'For Rent near Washington 20002' Search.



## Instant Update

no.

☒ For Rent

**\$2,100/mo**

1 bd, 1 ba, 800 sqft, Pets: No  
516 Constitution Ave NE,  
Washington, DC

[to daily summary](#)

[Unsubscribe from this email](#)

301 Second Avenue, Floor 31, Seattle, WA 98101 [Privacy policy](#)



**To:** Wilcox, Jahan[wilcox.jahan@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Christopher Flavelle (BLOOMBERG/ NEWSROOM:)  
**Sent:** Sat 4/7/2018 1:16:59 AM  
**Subject:** RE: Seeking comment

Understood - thanks again

Sent from Bloomberg Professional for iPhone

Christopher Flavelle  
Climate adaptation reporter, Bloomberg News  
[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | @cflav  
Direct line: Ex. 6 - Personal Privacy  
Signal: Ex. 6 - Personal Privacy  
1101 New York Avenue NW  
Washington, DC, 20005

----- Original Message -----

From: Kevin Minoli <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>  
To: CHRISTOPHER FLAVELLE, [wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)  
At: 06-Apr-2018 19:14:52

Chris- Thank you for the opportunity, but I will rest on our previous comments. Kevin

## **Kevin S. Minoli**

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

**From:** Christopher Flavelle (BLOOMBERG/ NEWSROOM:)  
[mailto:[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net)]  
**Sent:** Friday, April 06, 2018 7:03 PM  
**To:** Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>; Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>  
**Subject:** RE: Seeking comment

Thanks Kevin. I've been talking to Brenda Mallory about this; she says that 1) individual managers have significant discretion in dealing with ethics issues for non-political staff, and 2) the impartiality question is hard to judge. Those factors both seem to point to the possibility of variation in enforcement (and even variation in the perception of a conflict), which in turn suggest that somebody who isn't the administrator might face consequences that the administrator has not. Is that wrong?

Also, Meredith McGehee at Issue One told me that she's concerned about the ability of somebody in your position to address the ethics of an agency head's actions, given that you may face career ramifications for ruling against (in this case) the administrator. (Her concern is structural, not personal.) She says that's why there ought to be rules automatically referring such cases to OGE, because the DAEO has an incentive to "self-censor." Do you want to respond to that?

Best,

Chris

Sent from Bloomberg Professional for iPhone

Christopher Flavelle  
Climate adaptation reporter, Bloomberg News  
[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | @cflav  
Direct line: [Ex. 6 - Personal Privacy]  
Signal: [Ex. 6 - Personal Privacy]  
1101 New York Avenue NW  
Washington, DC, 20005

----- Original Message -----

From: Kevin Minoli <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>  
To: CHRISTOPHER FLAVELLE, [wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)  
At: 06-Apr-2018 18:15:38

Hi Christopher- I think there may be some confusion regarding the ethics terms conflict of interest and impartiality. The Office of Government Ethics' website is helpful for that  
(<https://oge.gov/web/oge.nsf/Resources/A+Refresher+on+the+Impartiality+Rule>), and

here is language describing the difference from their site:

"Under the primary conflict of interest law, an employee must not participate in any particular matter affecting the employee's financial interests, and the impartiality rule goes even further by focusing on appearance issues. This rule applies even when the employee is free of financial conflicts of interest.

Briefly stated, the impartiality rule requires an employee to consider appearance concerns before participating in a particular matter if someone close to the employee is involved as a party to that matter. This requirement to refrain from participating (or "recuse") is designed to avoid the appearance of favoritism in government decision-making."

So to answer your question:

No, employees would not be violating any conflicts of interest requirements as the tenant in a hypothetical similar situation. As stated at the end of the April 4<sup>th</sup> Memorandum, however, "[All] federal employee[s] must comply with the Standards of Ethical Conduct, including those relating to impartiality, at all times."

Kevin

**Kevin S. Minoli**

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

**From:** Christopher Flavelle (BLOOMBERG/ NEWSROOM:)

[mailto:[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net)]

**Sent:** Friday, April 06, 2018 5:58 PM

**To:** Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>

**Cc:** Minoli, Kevin <Minoli.Kevin@epa.gov>  
**Subject:** Re: Seeking comment

Thanks. Do you want to address the concern raised to me that an employee engaged in this behavior would likely have been subject to some sort of penalty, on the grounds of a perceived conflict of interest?

Sent from Bloomberg Professional for iPhone

Christopher Flavelle  
Climate adaptation reporter, Bloomberg News  
[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | @cflav  
Direct line: Ex. 6 - Personal Privacy  
Signal: Ex. 6 - Personal Privacy  
1101 New York Avenue NW  
Washington, DC, 20005

----- Original Message -----

From: Jahan Wilcox <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
To: CHRISTOPHER FLAVELLE  
CC: [Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)  
At: 06-Apr-2018 17:55:23

Statement from Kevin that we sent out on Thursday:

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

Sent from my iPhone

On Apr 6, 2018, at 5:29 PM, Christopher Flavelle (BLOOMBERG/NEWSROOM:) <[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net)> wrote:

Good afternoon. We're working on a story about what consequences an EPA employee might have faced for entering a similar rental arrangement as Administrator Pruitt.

Union officials and outside government ethics experts say a career staffer would be likely to face some sort of disciplinary action for such an arrangement, noting that it would create the perception of a conflict of interest. I wondered if your office would like to comment.

Also, is the attached appendix ("Guidance on Corrective Discipline") still in effect?

Best,

Chris

Christopher Flavelle  
Climate adaptation reporter, Bloomberg News  
[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | [@cflav](#)  
Direct line: Ex. 6 - Personal Privacy  
Signal: Ex. 6 - Personal Privacy  
1101 New York Avenue NW  
Washington, DC, 20005

<Disciplinary Table (Nature of Offenses).pdf>

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Christopher Flavelle (BLOOMBERG/ NEWSROOM:)  
**Sent:** Tue 4/10/2018 6:41:15 PM  
**Subject:** Fwd:Re: Seeking comment

We're all set to update, if you can confirm that your email is on the record. Our readership starts dropping off by mid-afternoon.

From: Christopher Flavelle (BLOOMBERG/ NEWSROOM:) At: 04/10/18 13:56:02  
To: [wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov), [Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)  
Subject: Re: Seeking comment

Kevin, can I treat this email as on the record and for attribution? You haven't indicated otherwise; if so, I'll update the story now.

Christopher Flavelle  
Climate adaptation reporter, Bloomberg News  
[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | [@cflav](https://twitter.com/cflav)  
Direct line: Ex. 6 - Personal Privacy  
Signal: Ex. 6 - Personal Privacy  
1101 New York Avenue NW  
Washington, DC, 20005

From: Minoli.Kevin@epa.gov At: 04/10/18 11:54:31  
To: [Christopher Flavelle \(BLOOMBERG/ NEWSROOM: \)](mailto:Christopher Flavelle (BLOOMBERG/ NEWSROOM: )), [wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)  
Subject: Re: Seeking comment

Christopher- I am writhing regarding your story today where you quote the first sentence of my answer but not the second. That leaves an impression that we do not see any potential ethics issues, which is not accurate.

This hypothetical - or real situation for the Administrator - is not an issue of financial conflicts of interest as that term is defined in the ethics regulations. It is, as my April 4th memorandum indicates, an issue of the impartiality of the employee in the performance of their official duties. All employees have to comply with the impartiality requirements in the ethics regulations from the Administrator to the newest employee, and if they are found to have not complied they would each face potential disciplinary action. My memoranda to date to not evaluate the question of whether the Administrator complied with those requirements as that is matter that the Office of Inspector General has been asked to investigate.

Kevin

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

Main Office Line: 202-564-8040

On Apr 6, 2018, at 6:15 PM, Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

Hi Christopher- I think there may be some confusion regarding the ethics terms conflict of interest and impartiality. The Office of Government Ethics' website is helpful for that (<https://oge.gov/web/oge.nsf/Resources/A+Refresher+on+the+Impartiality+Rule>), and here is language describing the difference from their site:

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So to answer your question:

No, employees would not be violating any conflicts of interest requirements as the tenant in a hypothetical similar situation. As stated at the end of the April 4<sup>th</sup> Memorandum, however, "[All] federal employee[s] must comply with the Standards of Ethical Conduct, including those relating to impartiality, at all times."

Kevin

**Kevin S. Minoli**

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

**From:** Christopher Flavelle (BLOOMBERG/ NEWSROOM:)  
[mailto:[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net)]  
**Sent:** Friday, April 06, 2018 5:58 PM  
**To:** Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
**Cc:** Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>  
**Subject:** Re: Seeking comment

Thanks. Do you want to address the concern raised to me that an employee engaged in this behavior would likely have been subject to some sort of penalty, on the grounds of a perceived conflict of interest?

Sent from Bloomberg Professional for iPhone

Christopher Flavelle  
Climate adaptation reporter, Bloomberg News  
[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | @cflav  
Direct line: Ex. 6 - Personal Privacy  
Signal: Ex. 6 - Personal Privacy  
1101 New York Avenue NW  
Washington, DC, 20005

----- Original Message -----

**From:** Jahan Wilcox <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
**To:** CHRISTOPHER FLAVELLE  
**CC:** [Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)  
**At:** 06-Apr-2018 17:55:23

Statement from Kevin that we sent out on Thursday:

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining



what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

Sent from my iPhone

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Good afternoon. We're working on a story about what consequences an EPA employee might have faced for entering a similar rental arrangement as Administrator Pruitt.

Union officials and outside government ethics experts say a career staffer would be likely to face some sort of disciplinary action for such an arrangement, noting that it would create the perception of a conflict of interest. I wondered if your office would like to comment.

Also, is the attached appendix ("Guidance on Corrective Discipline") still in effect?

Best,

Chris

Christopher Flavelle  
Climate adaptation reporter, Bloomberg News  
[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | @cflav  
Direct line:  Ex. 6 - Personal Privacy

Signal: Ex. 6 - Personal Privacy  
1101 New York Avenue NW  
Washington, DC, 20005

<Disciplinary Table (Nature of Offenses).pdf>

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**Cc:** Wilcox, Jahan[wilcox.jahan@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Leopold, Matt[Leopold.Matt@epa.gov]; Fugh, Justina[Fugh.Justina@epa.gov]  
**From:** Bowman, Liz  
**Sent:** Tue 4/3/2018 12:58:35 PM  
**Subject:** Re: Press Statements Regarding the Friday Memo

## Ex. 5 - Deliberative Process

On Apr 2, 2018, at 10:49 PM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Hi Folks- I want to make sure that whenever the agency is referring to the memo that I wrote on Friday we are referring to it in a way that is consistent with what it does and does not indicate that the memo does more than it did.

Today was the first day where I saw articles asking about specific actions the agency or the Administrator may have taken that have some alleged or real connection to the people were connected to the apartment. The memo from Friday in no way speaks to those actions, either by in endorsing them or calling them in the question. The memo addressed only the questions of whether the act of signing the lease or living in the space as described in the lease amounted to a prohibited gift. I stand behind my conclusion they were not.

The ethics rules and obligations continue to apply to any action the agency and the Administrator has taken or will take, however, and the fact that he has entered into a lease with Vicki Hart on behalf of 233C LLC may or may not be relevant to understanding how the ethics rules apply to any particular action. We have not been asked to advise on any particular action that has been taken or provide guidance on future actions, and so the memo cannot be cited in response to questions raised about actions other than signing the lease and living in the space consistent with the lease.

Again, I am happy to work with folks on specific statements as they arise or on a generic one that can be used whenever questions like these come in. Let me know how to help with those if you are interested.

Thanks, Kevin

### **Pruitt Had a \$50-a-Day Condo Linked to Lobbyists. Their Client's Project Got Approved.**

The New York Times

The E.P.A. chief was using an apartment partly owned by the wife of the chairman of the lobbying firm as its client sought the agency's sign off on a pipeline project. Read the full story

Shared from [Apple News](#)

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

**To:** Wilcox, Jahan[wilcox.jahan@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Christopher Flavelle (BLOOMBERG/ NEWSROOM:)  
**Sent:** Fri 4/6/2018 11:03:11 PM  
**Subject:** RE: Seeking comment

Thanks Kevin. I've been talking to Brenda Mallory about this; she says that 1) individual managers have significant discretion in dealing with ethics issues for non-political staff, and 2) the impartiality question is hard to judge. Those factors both seem to point to the possibility of variation in enforcement (and even variation in the perception of a conflict), which in turn suggest that somebody who isn't the administrator might face consequences that the administrator has not. Is that wrong?

Also, Meredith McGehee at Issue One told me that she's concerned about the ability of somebody in your position to address the ethics of an agency head's actions, given that you may face career ramifications for ruling against (in this case) the administrator. (Her concern is structural, not personal.) She says that's why there ought to be rules automatically referring such cases to OGE, because the DAEO has an incentive to "self-censor." Do you want to respond to that?

Best,

Chris

Sent from Bloomberg Professional for iPhone

Christopher Flavelle  
Climate adaptation reporter, Bloomberg News  
[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | [@cflav](https://twitter.com/cflav)  
Direct line: Ex. 6 - Personal Privacy  
Signal: Ex. 6 - Personal Privacy  
1101 New York Avenue NW  
Washington, DC, 20005

----- Original Message -----

From: Kevin Minoli <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>  
To: CHRISTOPHER FLAVELLE, [wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)  
At: 06-Apr-2018 18:15:38

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Kevin

**Kevin S. Minoli**

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

**From:** Christopher Flavelle (BLOOMBERG/ NEWSROOM:)  
[mailto:cflavelle@bloomberg.net]  
**Sent:** Friday, April 06, 2018 5:58 PM  
**To:** Wilcox, Jahan <wilcox.jahan@epa.gov>  
**Cc:** Minoli, Kevin <Minoli.Kevin@epa.gov>  
**Subject:** Re: Seeking comment

Thanks. Do you want to address the concern raised to me that an employee engaged in this behavior would likely have been subject to some sort of penalty, on the grounds of a perceived conflict of interest?

Sent from Bloomberg Professional for iPhone

Christopher Flavelle  
Climate adaptation reporter, Bloomberg News  
[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | [@cflav](#)  
Direct line: Ex. 6 - Personal Privacy  
Signal: Ex. 6 - Personal Privacy  
1101 New York Avenue NW  
Washington, DC, 20005

----- Original Message -----

From: Jahan Wilcox <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
To: CHRISTOPHER FLAVELLE  
CC: [Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)  
At: 06-Apr-2018 17:55:23

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Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

Sent from my iPhone

On Apr 6, 2018, at 5:29 PM, Christopher Flavelle (BLOOMBERG/NEWSROOM:) <[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net)> wrote:

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Also, is the attached appendix ("Guidance on Corrective Discipline") still in effect?

Best,

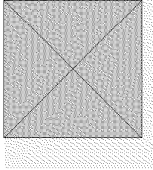
Chris

Christopher Flavelle  
Climate adaptation reporter, Bloomberg News  
[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | @cflav  
Direct line: Ex. 6 - Personal Privacy  
Signal: Ex. 6 - Personal Privacy  
1101 New York Avenue NW  
Washington, DC, 20005

<Disciplinary Table (Nature of Offenses).pdf>



**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Zillow  
**Sent:** Tue 4/3/2018 11:19:44 AM  
**Subject:** New Listing: 401 E St NE APT 1, Washington, DC 20002. Your 'For Rent near Washington 20002' Search.



## Instant Update

no.

 For Rent

**\$1,450/mo**

1 bd, 1 ba

401 E St NE APT 1, Washington, DC

[no daily summary](#)

[Unsubscribe from this email](#)

301 Second Avenue, Floor 31, Seattle, WA 98101 [Privacy policy](#)

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Leopold, Matt  
**Sent:** Tue 4/3/2018 9:21:29 AM  
**Subject:** Re: Press Statements Regarding the Friday Memo

Thanks for sending this.  
Matt

Sent from my iPhone

On Apr 2, 2018, at 11:30 PM, Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

Matt- I wanted to make sure you had a copy of my reply to Ryan in case he asks you about it. Thanks, Kevin

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

Begin forwarded message:

**From:** "Minoli, Kevin" <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>  
**Date:** April 2, 2018 at 11:28:40 PM EDT  
**To:** "Jackson, Ryan" <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Subject:** Re: Press Statements Regarding the Friday Memo

## Ex. 5 - Deliberative Process

## **Ex. 5 - Deliberative Process**

Thanks, Kevin

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 2, 2018, at 11:01 PM, Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)> wrote:

## **Ex. 5 - Deliberative Process**

Ryan Jackson  
Chief of Staff  
U.S. EPA

**Ex. 6 - Personal Privacy**

Begin forwarded message:

**From:** "Wilcox, Jahan" <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
**Date:** April 2, 2018 at 10:55:46 PM EDT  
**To:** "Jackson, Ryan" <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Subject:** Fwd: Press Statements Regarding the Friday Memo

Sent from my iPhone

Begin forwarded message:

**From:** "Minoli, Kevin" <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>  
**Date:** April 2, 2018 at 10:49:21 PM EDT  
**To:** "Bowman, Liz" <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>, "Wilcox, Jahan" <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>, "Grantham, Nancy" <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Cc:** "Leopold, Matt" <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>, "Fugh, Justina" <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** Press Statements Regarding the Friday Memo

Hi Folks- I want to make sure that whenever the agency is referring to the memo that I wrote on Friday we are referring to it in a way that is consistent with what it does and does not indicate that the memo does more than it did.

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Thanks, Kevin

**Pruitt Had a \$50-a-Day Condo Linked to Lobbyists. Their Client's Project Got Approved.**

The New York Times

The E.P.A. chief was using an apartment partly owned by the wife of the chairman of the lobbying firm as its client sought the agency's sign off on a pipeline project. [Read the full story](#)

Shared from [Apple News](#)

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Tue 4/3/2018 3:01:03 AM  
**Subject:** Fwd: Press Statements Regarding the Friday Memo

## Ex. 5 - Deliberative Process

Ryan Jackson  
Chief of Staff  
U.S. EPA

### Ex. 6 - Personal Privacy

Begin forwarded message:

**From:** "Wilcox, Jahan" <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
**Date:** April 2, 2018 at 10:55:46 PM EDT  
**To:** "Jackson, Ryan" <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Subject:** Fwd: Press Statements Regarding the Friday Memo

Sent from my iPhone

Begin forwarded message:

**From:** "Minoli, Kevin" <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>  
**Date:** April 2, 2018 at 10:49:21 PM EDT  
**To:** "Bowman, Liz" <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>, "Wilcox, Jahan" <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>, "Grantham, Nancy" <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Cc:** "Leopold, Matt" <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>, "Fugh, Justina" <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** Press Statements Regarding the Friday Memo

Hi Folks- I want to make sure that whenever the agency is referring to the memo that I wrote on Friday we are referring to it in a way that is consistent with what it does and

does not indicate that the memo does more than it did.

Today was the first day where I saw articles asking about specific actions the agency or the Administrator may have taken that have some alleged or real connection to the people were connected to the apartment. The memo from Friday in no way speaks to those actions, either by in endorsing them or calling them in the question. The memo addressed only the questions of whether the act of signing the lease or living in the space as described in the lease amounted to a prohibited gift. I stand behind my conclusion they were not.

The ethics rules and obligations continue to apply to any action the agency and the Administrator has taken or will take, however, and the fact that he has entered into a lease with Vicki Hart on behalf of 233C LLC may or may not be relevant to understanding how the ethics rules apply to any particular action. We have not been asked to advise on any particular action that has been taken or provide guidance on future actions, and so the memo cannot be cited in response to questions raised about actions other than signing the lease and living in the space consistent with the lease.

Again, I am happy to work with folks on specific statements as they arise or on a generic one that can be used whenever questions like these come in. Let me know how to help with those if you are interested.

Thanks, Kevin

**Pruitt Had a \$50-a-Day Condo Linked to Lobbyists. Their Client's Project Got Approved.**

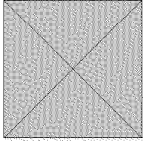
The New York Times

The E.P.A. chief was using an apartment partly owned by the wife of the chairman of the lobbying firm as its client sought the agency's sign off on a pipeline project. [Read the full story](#)

Shared from [Apple News](#)

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Zillow  
**Sent:** Mon 4/2/2018 9:03:08 PM  
**Subject:** New Listing: 644 Massachusetts Ave NE APT 508, Washington, DC 20002. Your 'For Rent near Washington 20002' Search.



## Instant Update

no.

☒ For Rent

**\$1,600/mo**

1 bd, 1 ba, 582 sqft, Pets: No

644 Massachusetts Ave NE APT 508,  
Washington, DC

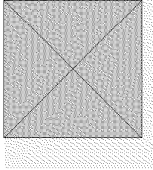
[no daily summary](#)

[Unsubscribe from this email](#)

301 Second Avenue, Floor 31, Seattle, WA 98101 [Privacy policy](#)



**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Zillow  
**Sent:** Mon 4/2/2018 8:18:20 AM  
**Subject:** New Listing: 305 C St NE APT 108, Washington, DC 20002. Your 'Studio For Rent near Washington 20002' Search.



## Instant Update

no.

 For Rent

**\$1,550/mo**

Studio, 1 ba, 435 sqft, Pets: No  
305 C St NE APT 108, Washington, DC

[Daily summary](#)

[Unsubscribe from this email](#)

301 Second Avenue, Floor 31, Seattle, WA 98101 [Privacy policy](#)

**To:** Wilcox, Jahan[wilcox.jahan@epa.gov]  
**Cc:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Christopher Flavelle (BLOOMBERG/ NEWSROOM:)  
**Sent:** Fri 4/6/2018 9:57:59 PM  
**Subject:** Re: Seeking comment

Thanks. Do you want to address the concern raised to me that an employee engaged in this behavior would likely have been subject to some sort of penalty, on the grounds of a perceived conflict of interest?

Sent from Bloomberg Professional for iPhone

Christopher Flavelle  
Climate adaptation reporter, Bloomberg News  
[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | @cflav  
Direct line: Ex. 6 - Personal Privacy  
Signal: Ex. 6 - Personal Privacy  
1101 New York Avenue NW  
Washington, DC, 20005

----- Original Message -----

From: Jahan Wilcox <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
To: CHRISTOPHER FLAVELLE  
CC: [Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)  
At: 06-Apr-2018 17:55:23

Statement from Kevin that we sent out on Thursday:

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

Sent from my iPhone

On Apr 6, 2018, at 5:29 PM, Christopher Flavelle (BLOOMBERG/ NEWSROOM:)

<[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net)> wrote:

Good afternoon. We're working on a story about what consequences an EPA employee might have faced for entering a similar rental arrangement as Administrator Pruitt.

Union officials and outside government ethics experts say a career staffer would be likely to face some sort of disciplinary action for such an arrangement, noting that it would create the perception of a conflict of interest. I wondered if your office would like to comment.

Also, is the attached appendix ("Guidance on Corrective Discipline") still in effect?

Best,

Chris  
Christopher Flavelle  
Climate adaptation reporter, Bloomberg News  
[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | @cflav  
Direct line: Ex. 6 - Personal Privacy  
Signal: Ex. 6 - Personal Privacy  
1101 New York Avenue NW  
Washington, DC, 20005

<Disciplinary Table (Nature of Offenses).pdf>



UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY


Washington, DC

OFFICE OF  
GENERAL COUNSEL

APR - 4 2018

MEMORANDUM

SUBJECT: Record for "Review of Lease Agreement Under the Federal Ethics Regulations Regarding Gifts"

FROM: Kevin S. Minoli   
Designated Agency Ethics Official &  
Principal Deputy General Counsel

TO: Matthew Z. Leopold  
General Counsel

---

On March 30, 2018, I signed a memorandum entitled "Review of Lease Agreement Under the Federal Ethics Regulations Regarding Gifts" (Review). Questions have been raised as to the scope of the Review and the factual basis for it. Today's memorandum explains the factual basis for the conclusion reached in the March 30 Memorandum and explains the scope of that review.

**Factual Basis for the Conclusion**

Regulations promulgated by the Office of Government Ethics exclude from the definition of gift "Anything for which market value is paid by the employee." The regulations then explain how an ethics official is to establish market value:

(c) *Market value* means the cost that a member of the general public would reasonably expect to incur to purchase the gift. An employee who cannot ascertain the market value of a gift may estimate its market value by reference to the retail cost of similar items of like quality. The market value of a gift of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is deemed to be the face value of the ticket.

A first step in ascertaining the market value of a gift is to identify and understand the item of value. Here, the item of value is the ability to use the space at 233 C Street as

defined by the terms of the lease. In developing the Review, the ethics office examined the entire lease, which is attached hereto as Exhibit 1, and highlight the following terms that were particularly relevant to the value of the lease:

- **Term:** 39 Days from February 20, 2017, to April 1, 2017
- **Rent:** \$50 per day
  - Rent is “payable on the 1<sup>st</sup> day of each month of the term, in installments of \$500 on March 1, 2017 and any remaining balance on April 1, 2017 based on days of actual occupancy.” (emphasis removed)
- **Use of Premises:** To be used by Tenant and Tenant’s immediate family
  - “Tenant may store possessions on the premises when he is not occupying the bedroom assigned to him. There will be no charge for storage of limited personal items including clothing.”
- **Tenant’s Hold Over:** Provided for the possibility of new week-to-week tenancies
- **Quiet Enjoyment:** Limited to one bedroom
  - “Enjoyment is limited to one bedroom that cannot be locked. All other space is controlled by landlord. (*sic*) Landlord will attempt to notify Tenant if common space is to be utilized during early or late hours. No notice is required for usage during weekday business hours, 8am-6pm. Tenant shall provide Landlord’s representative (Vicki Hart) with a cell number for this and all required communications.” (emphasis removed)

When there is not a pre-established market, the regulation provides that that the ethics official may “estimate...market value by reference to the retail cost of similar items of like quality.” In order to estimate the market value of the use authorized by the terms of the lease, the ethics office reviewed the following information regarding similar items of like quality:

#### Daily Rentals for One Private Bedroom

- Because the rent was assessed per day based on days of actual occupancy, we reviewed the availability of a private bedroom available for rent by the day.
- Because the rentals are “similar” and of “like quality,” a cut-off of \$55 per day was used and rooms not suitable for an adult were removed from the list.
  - Within a six-block radius of 233 C St, NE, there were seven (7) private bedrooms that could be rented for \$55 or less/day (Exhibit 2)
  - Across a broader section of Capitol Hill, there were thirty-eight (38) private bedrooms that could be rented for \$55 or less/day (Exhibit 3)

#### Monthly Rental Units

- While the lease created something less than a month-to-month tenancy and did not provide exclusive use to the entire property, we reviewed available monthly rental units as potentially similar units to ensure thoroughness of the evaluation.
  - Capitol Hill is the 19<sup>th</sup> most expensive neighborhood for renting in Washington, DC with an average cost of a rental apartment of \$2,361/month
  - Source: <https://www.rentcafe.com/average-rent-market-trends/us/dc/washington/>

- Rental units currently available within three blocks (less than 1/3 mile) of the location of the lease (Exhibit4) include:
  - Eight (8) 1BR units with an average price of \$2,173/month
  - Three (3) 2BR units with an average price of \$3,695
  - Source: Zillow.com

The information demonstrates that there are several private rooms available to be rented on a per day basis for \$55 or less that are in close proximity to the exact location the leased space. Within the Capitol Hill neighborhood, there are multiple private rooms available at a per day rate equal to or less than the one included in the lease. When checked against the price of traditional month-to-month rentals that would most likely offer increased privacy and exclusivity of use, a converted amount of \$1,500 for Tenant's portion of the rent under the lease is within the range of amounts charged for locations no further than three blocks away. Based on the foregoing, the ethics office estimated \$50/day to be a reasonable market value of the use authorized by the terms of the lease. As such, the use of the property according to the terms of the lease would not constitute a gift under the Federal ethics regulations.

#### **Scope of Review Under Ethics Regulations Regarding Gifts**

The Review addressed the terms of the lease as they were written in the lease agreement only. Some have raised questions whether the actual use of the space was consistent with the terms of the lease. Evaluating those questions would have required factual information that was not before us and the Review does not address those questions.

The memorandum concluded, after considering the factual record, that the use of the property authorized by the terms of the lease would not constitute a gift. Individuals have noted that the Review used the words "did not" constitute a gift instead of "would not" constitute a gift, and understood that language to imply that the Review had evaluated the actual use that occurred; to be clear, despite use of the words "did not," the Review only addressed the terms of the lease as written.

#### **Ethics Regulations Other than Those Regarding Gifts**

The Review addressed those parts of the Federal ethics regulations that regard gifts, but was not intended to and did not address other portions of the Federal ethics regulations such as the impartiality rule. It is important to note that the Federal ethics regulations regarding impartiality apply regardless of whether something involves receiving a prohibited gift. A federal employee must comply with the Standards of Ethical Conduct, including those relating to impartiality, at all times.



# Exhibit 1





# **Ex. 6 - Personal Privacy**

# **Ex. 6 - Personal Privacy**

## **Ex. 6 - Personal Privacy**

# **Ex. 6 - Personal Privacy**

# **Ex. 6 - Personal Privacy**



# Exhibit 2







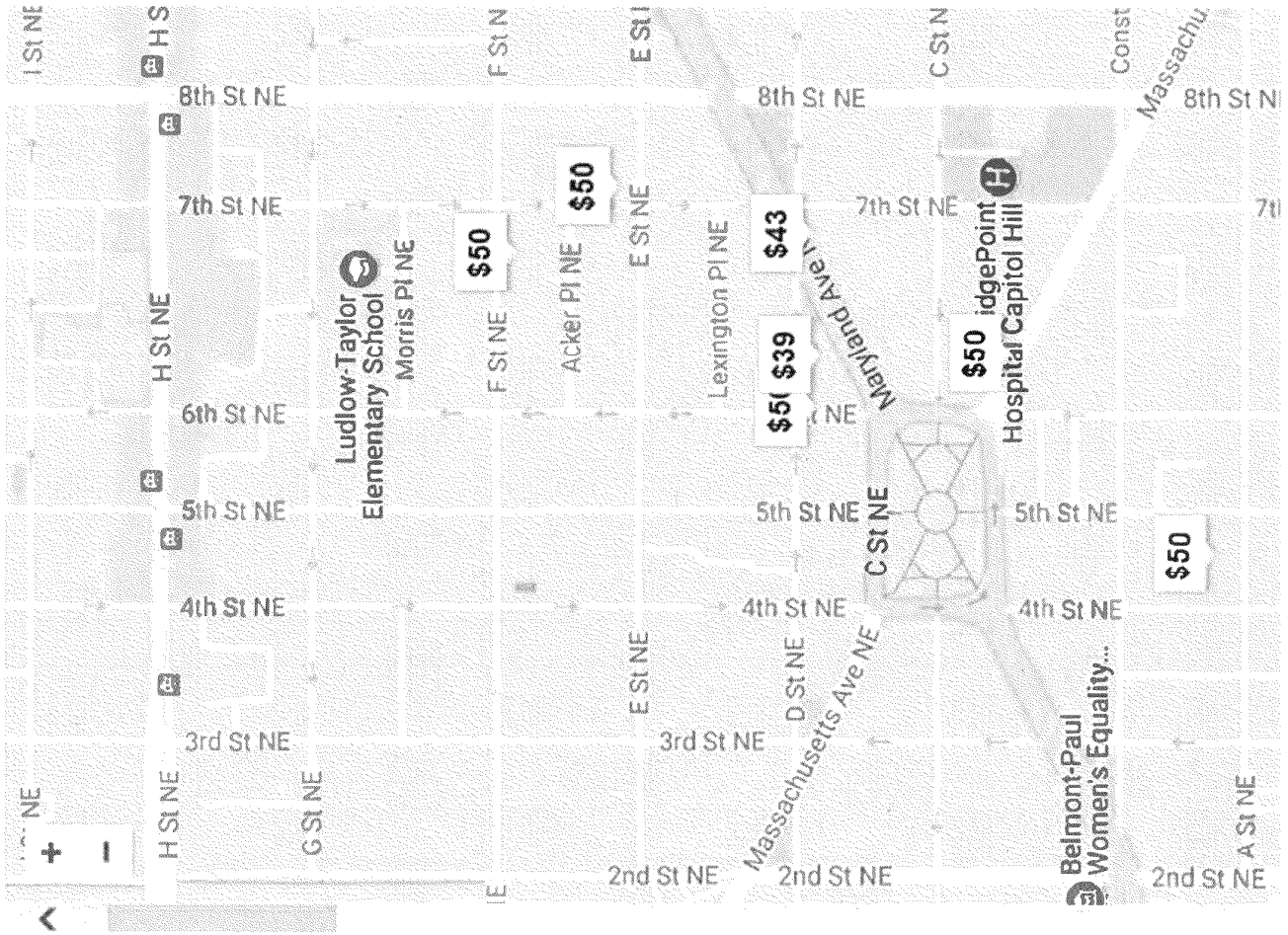
No dates · 1 guest

A black and white photograph of a building entrance, possibly a library or school, with a large tree in the foreground and a person standing near the entrance. The image is framed by a thick black border.

**Stanton Park Place 3F**

\$39 per night

★★★★★ 13 - Superhost





# Exhibit 3



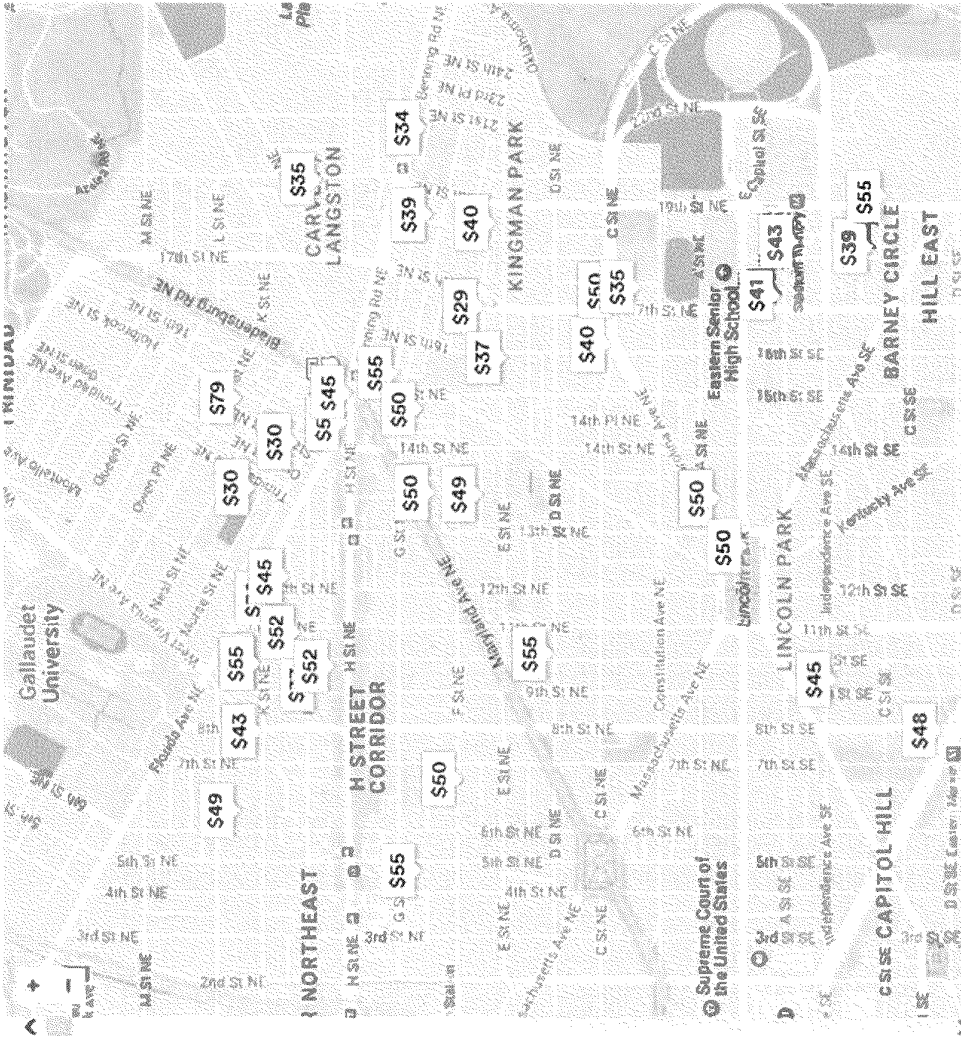
Search was initially conducted on March 30, 2018, repeated on March 31 and April 1. This version was printed on April 2.  
This map documents rooms across Capitol Hill broadly. For the area closest to 233 C St, please see the map entitled "Capitol Hill Rooms for \$55 Or Less"

All lists

## Broader Capitol Hill Rooms for \$55 or Less

No dates · 1 guest

38 homes





# Exhibit 4





# Availabe 1BR and 2BR Rental Units

## 1 Bedroom Apartments

- 1 1BR \$1600
- 2 1BR \$1875
- 3 1BR \$2200
- 4 1BR \$1975
- 5 1BR \$2100
- 6 1BR \$3240
- 7 1BR \$2400
- 8 1BR \$1995

## 2 Bedroom Units

- 1 2BR \$2595
- 2 2BR \$3750
- 3 2BR \$4740

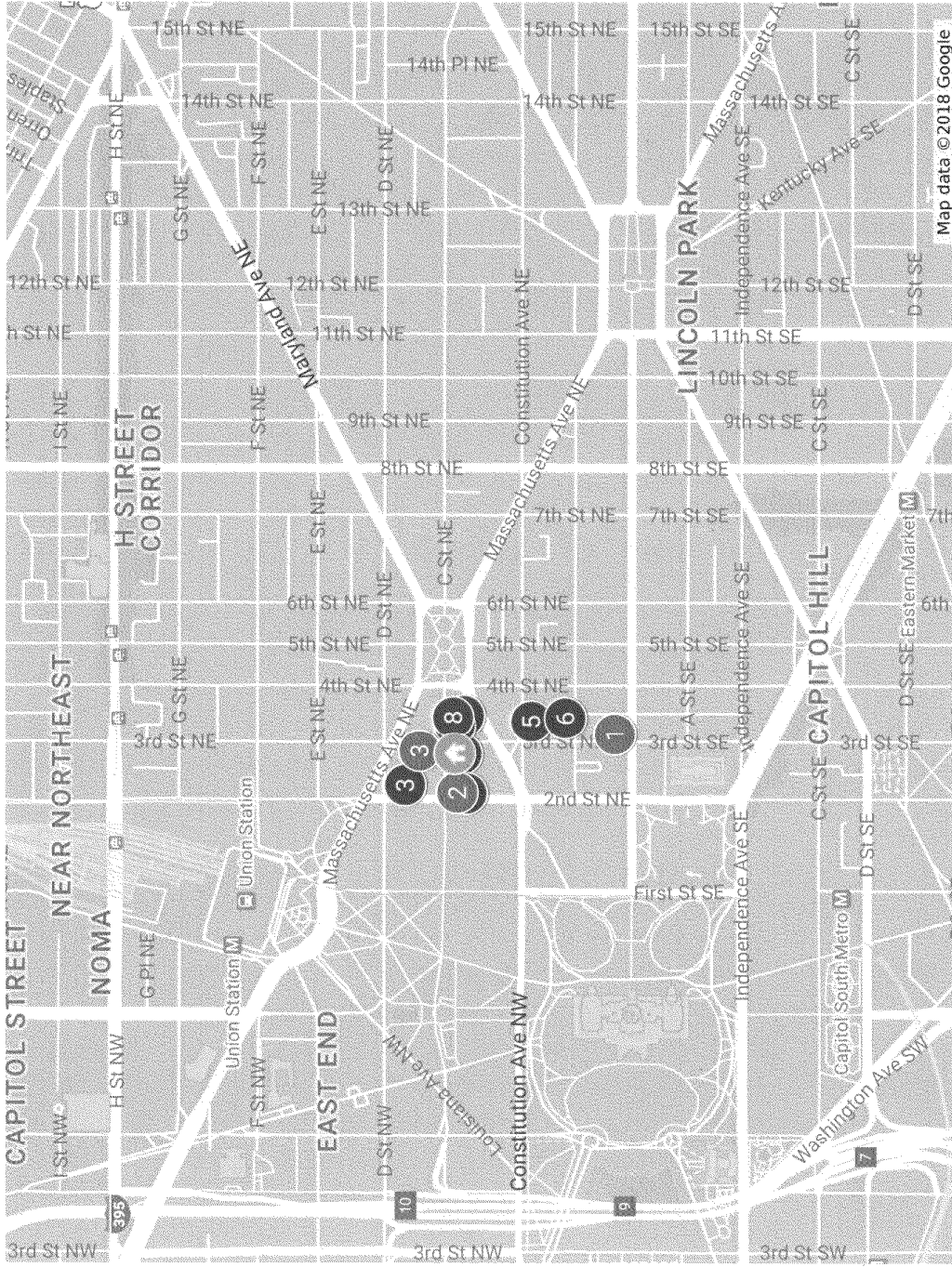
## Leased Property

- 233 C St NE: Site of Leased Space

Apartments listed on Zillow  
March 30, 31, or April 1.

Scope of consideration limited  
to eight blocks bordered by D Street, 4th Street, East Capitol Street, and 2nd Street.

Source: Listed on Zillow





**To:** OGC HQ ADDs[OGC\_HQ\_ADDs@epa.gov]  
**From:** Minoli, Kevin  
**Sent:** Wed 4/11/2018 6:38:54 PM  
**Subject:** Story from E&E News  
EPA\_ The story behind the ethics memos on Pruitt's condo lease -- Wednesday..pdf

Hi Folks- I expect there will be a lot of chatter around the office regarding the attached story, so I wanted to make sure all of the managers had it. Happy to discuss at the ADD meeting if you want. Kevin

**Kevin S. Minoli**

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

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Wed., Apr. 11

Tue., Apr. 10

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Fri., Apr. 6

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EPA

The story behind the ethics memos on Pruitt's condo lease

Kevin Bogardus, E&E News reporter • Published: Wednesday, April 11, 2018



Former EPA acting General Counsel Kevin Minoli congratulates new General Counsel Matthew Leopold after administering the oath of office in January. Philip J. Ross/EPA Office of General Counsel/@EPAcounsel

EPA's senior counsel for ethics, Justina Fugh, sat down in a movie theater Thursday night nearly two weeks ago right before trailers began to play. Then her work phone buzzed.

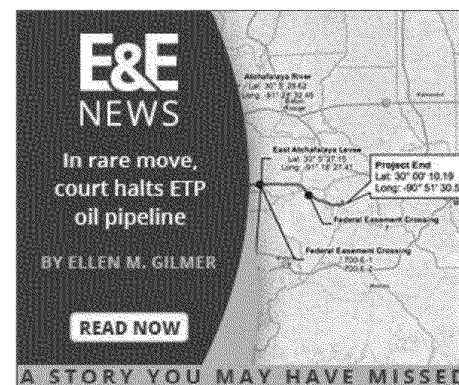
It was General Counsel Matt Leopold, she found out after texting back. He wanted to talk about Administrator Scott Pruitt's lease for a Capitol Hill condo linked to a lobbyist whose firm had disclosed lobbying EPA — news of which had broken earlier in the day and was quickly metastasizing into a scandal that endangered the EPA chief.

What followed was a haphazard ethics process at best, with EPA political appointees not initially sharing relevant information with their career counterparts, rental records being reviewed by reporters before ethics officials and Pruitt's top aides at first consulting separate members of EPA's ethics staff without informing the other, according to people familiar with recent events swirling around Pruitt's condo lease at the agency.

Fugh had been made aware of the lease before her Thursday night phone call. She had discussed Pruitt's lease earlier that afternoon of March 29 with EPA Chief of Staff Ryan Jackson,

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who mentioned it in passing, noting that Pruitt's rent was \$50 per night for one room and the landlord was a lobbyist friend. She indicated that since Pruitt paid rent, it might not be a gift under ethics rules.

Jackson had a different take on his conversation with Fugh. He told E&E News it was more than a passing reference to Pruitt's lease and said he is in frequent contact with the senior ethics counsel.

"I work with Justina more often than she would probably like on a variety of personnel issues," Jackson said. "She is always the first person I call. In fact, because I have had to work with her so often on personnel, vetting, recusal and disclosure issues, I've recently assigned two more individuals specifically to help her do her job."

But later, on the phone that night with Leopold and now also Jackson in the theater's lobby, Fugh was read portions of Pruitt's lease, including that the administrator paid only for the nights he stayed in the condo. They also read dates and amounts from Pruitt's canceled checks to her. Then they said she needed to be interviewed on the record by reporters right away.

What was unknown to Fugh was that Leopold had already that night spoken to her boss, Kevin Minoli, principal deputy general counsel at EPA and the agency's designated ethics official. Minoli was in headquarters that night, having returned to work at the agency from a three-week-long overseas trip for his first full day in the office.

Leopold also asked Minoli about Pruitt's lease. The top career lawyer said he needed to look at the federal ethics regulations. Minoli also wasn't shown Pruitt's lease or his canceled checks that night.

Leopold then left Minoli in his office and called Fugh on her cellphone. Leopold didn't tell her that he had already spoken with Minoli.

A few minutes before midnight, Bloomberg News posted its [story](#) online. Its reporters had reviewed Pruitt's condo lease and canceled rent checks and had interviewed Fugh, as well. EPA would also release a statement from the senior EPA ethics counsel, calling the administrator's rental deal "a routine business transaction," which E&E News received the following morning, March 30 ([Greenwire](#), March 30).

Jackson said it was vital that reporters review Pruitt's lease and canceled checks that Thursday night so they had the full information for stories that were going to be written that night. He also noted that Fugh helped provide context for that coverage.

"Although later in the evening, it was very important to ensure that immediate coverage of this situation included that a lease was signed with proof of payment. That was very important," Jackson said.

"So important that Justina stepped out of a movie with her family to speak to a reporter, which provided a needed perspective for the coverage being issued that night. That perspective was later placed in the two memos."

Fugh wasn't pleased with the episode. She shared a statement with reporters last week saying she was troubled by what happened.

"Ethics advice given by an ethics official is based on receiving all the facts. The federal ethics

regulations provide that employees, in seeking ethics advice, make 'full disclosure of all relevant circumstances,'" Fugh said.

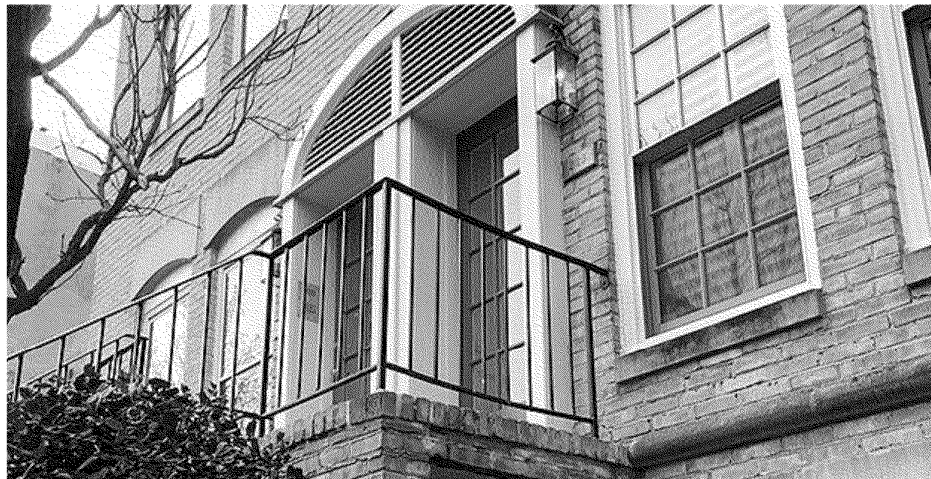
"The advice I gave on Thursday at the movie theater was based on specific facts provided to me. I am troubled to learn that those facts were not accurate. I was too credulous at the time."

EPA spokeswoman Liz Bowman said the agency appreciated the help of its ethics staff in reviewing Pruitt's lease.

"We fully support and stand by our Agency ethics officials; EPA employees — both career and political — depend on their advice and we greatly appreciate their professionalism on this, and other matters," Bowman told E&E News.

She added, "It is not the Agency's policy to discuss internal legal deliberations."

## Facts emerge



EPA Administrator Scott Pruitt rented this Capitol Hill condo from the wife of a lobbyist whose firm has clients that lobby the agency. Kevin Bogardus/E&E News

Fugh's two-sentence statement on Pruitt's "business transaction" to reporters wasn't enough to quell reporting on the administrator's condo lease. EPA needed a more formal response.

Fugh was called into a meeting Friday afternoon with Leopold, Jackson and Jahan Wilcox, a senior strategic communications adviser to Pruitt. Minoli would also join.

There, Fugh, for the first time, would review in person Pruitt's condo lease and copies of his canceled checks, as did Minoli.

The three EPA political aides and two career employees began discussing Pruitt's lease, including facts new that day to Fugh, like that Pruitt's daughter had stayed with him in the condo while she clerked this past summer at the White House counsel's office — Jackson remarked at one point that he had helped get the application of Pruitt's daughter for the prized internship to be considered — but more information kept flooding in.

ABC News, which broke news of Pruitt's lease for the lobbyist-linked condo on Thursday, followed up with a report Friday that in March 2017, the EPA chief's personal security detail broke into the apartment building after Pruitt was not responding to them.

The incident had to then be explained to Fugh, who learned of it in the Friday meeting for the first time. Pruitt had fallen ill and gone home to take a nap, which is why he was not answering his security detail's calls, she was told.

Fugh also began helping Minoli work on what became his March 30 memo stating that Pruitt's lease wasn't a gift under federal ethics rules. Leopold also advised upon request at times.

Minoli soon signed it, and it was released to reporters Friday evening. The retroactive approval

came more than a year after Pruitt first entered the rental agreement.

Minoli acknowledged to E&E News that March 30 was tense at EPA headquarters but stressed that the memo was his own work.

"I would say while the day may have been an intense one, when the time came, I am confident that the memo I wrote was my own and it was not done under the direction or the pressure of anyone," Minoli said.

Jackson said he was unaware that Fugh was troubled by the process but was heartened that Minoli said he felt no pressure in drafting the first memo.

"In fact, both proffered a number of ideas evaluating the situation. Kevin offered to draft the original memo. The longer memo was demonstrating his analysis. Kevin also offered a statement explaining why we issued two," Jackson said.

Other records obtained by E&E News show Minoli was working on the evidence backing up EPA's claim that Pruitt's rent was "market value" on the day his first memo was released, as well as through the following weekend. Minoli performed searches of real estate websites on March 30, March 31 and April 1.

Retroactive written approvals have happened before at EPA under Pruitt's tenure. Minoli signed a memo on Aug. 24 last year approving a request for Pruitt and his staff to take a charter jet from Denver to Durango, Colo., which had happened 20 days earlier on Aug. 4.

Minoli, however, had given his verbal approval to EPA officials on the day of the Colorado charter flight, which is allowed for urgent situations under federal guidelines.

### 'It was important to be transparent'

Minoli's memo on Pruitt's lease was greeted with questions, and even ridicule in some quarters. Reporters also began to draw links between Pruitt and EPA's actions that benefited Williams & Jensen PLLC clients that had business interests before the agency.

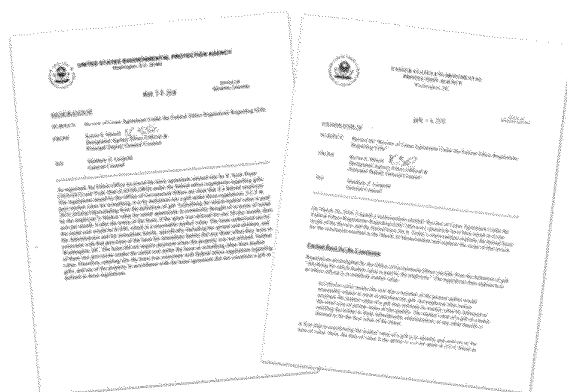
Steven Hart, chairman of Williams & Jensen, is the husband of Vicki Hart, who was Pruitt's landlord when he stayed in the condo.

One *New York Times* report caught Minoli's attention, showing that the agency had signed off on a pipeline plan by Enbridge, one of several energy clients of the lobbying firm run by Steven Hart.

By Monday night, Minoli had raised internal worries among top press aides at EPA about how the memo was being interpreted in the media.

"Today was the first day where I saw articles asking about specific actions the agency or the Administrator may have taken that have some alleged or real connection to the people [sic] were connected to the apartment," Minoli said in the April 2 email that linked to the *Times*' story, as described to E&E News by several people.

The EPA ethics official stressed to his colleagues that his memo applied only to the lease and couldn't be used as cover for other actions by Pruitt or EPA.



[\*] EPA released two separate memos regarding Administrator Scott Pruitt's rental of a Capitol Hill condo from the wife of a lobbyist whose firm had clients that lobbied the agency. The memo on the left was issued on March 30 and states that Pruitt's \$50-a-night rental was market value. The memo on the right was issued on April 4 and further explains the scope of the initial review. EPA



"The memo from Friday in no way speaks to those actions, either by in [sic] endorsing them or calling them in the question [sic]," Minoli said. "The memo cannot be cited in response to questions raised about actions other than signing the lease and living in the space consistent with the lease."

Bowman, head of EPA's public affairs office, offered a short response to Minoli the following Tuesday morning. "Hi Kevin, this statement was approved by Matt, based on what the administrator told us to communicate. Thanks — Liz."

Minoli would soon go public with his concerns. Late Wednesday night, his second memo emerged, making similar points to those in his internal email a few days earlier.

While Minoli offered an extended defense of his finding that Pruitt's rent for the Capitol Hill condo was market value, reporters seized on language in the April 4 memo indicating that EPA ethics officials were missing "factual information" for their first memo and that it didn't address questions on whether Pruitt remained impartial in government actions relating to those connected to him (Greenwire, April 5).

Minoli also released a statement, noting "the misunderstanding or mischaracterization of the March 30 memo."

Asked why he had put out a second memo, Minoli told E&E News that he wanted to offer more facts to show that Pruitt paid reasonable rent for the condo.

"The original memo didn't document the factual basis that the rent paid was reasonable. That was a fact that people had called in question since the original memo went out," Minoli said. "It was important to be transparent as to the factual basis I had considered."

EPA's troubles over Pruitt's condo lease didn't end with Minoli's second memo.

On Monday this week, the Office of Government Ethics released a sharply worded letter it had sent Friday to EPA, saying it expected the agency to conduct its own probe of ethics allegations against Pruitt. EPA's ethics office has now referred the matter to the EPA inspector general for investigation.

Twitter: @KevinBogardus | Email: kbogardus@eenews.net

GREENWIRE HEADLINES — Wednesday, April 11, 2018

SPOTLIGHT

- 1. HOUSE  
Ryan departure adds to Republican midterm woes

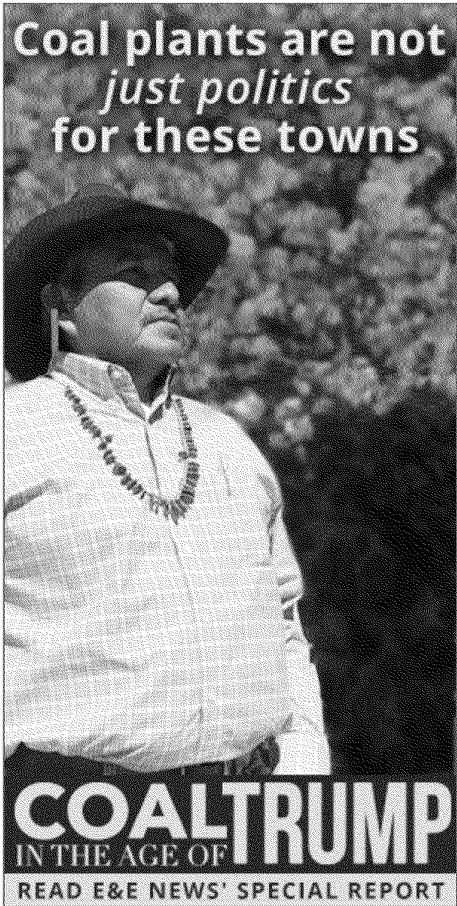
TOP STORIES

- 2. EPA  
The story behind the ethics memos on Pruitt's condo lease
- 3. INTERIOR  
IG finds problems with senior executive moves
- 4. CALIFORNIA  
Water agency breathes life into Brown's plumbing project

CONGRESS

- 5. INTERIOR  
Zinke defends his spending, monument decisions
- 6. EPA  
With Pruitt in limbo, Udall wants more 'vetting' of Wheeler
- 7. NATURAL RESOURCES  
House committee advances salmon, land-swap bills

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POLITICS

8. PEOPLE

John Boehner turns marijuana advocate with board position

9. CAMPAIGN 2018

Blankenship fails to submit personal finance disclosure

10. CAMPAIGN 2018

Gov. Brown endorses Feinstein's re-election bid

NATURAL RESOURCES

11. ENDANGERED SPECIES

ESA's latest comeback kid is the Kirtland's warbler

12. YELLOWSTONE

Researchers challenge conventional wisdom on bighorn

13. PUGET SOUND

Wash. approves Northwest's first 'no discharge zone'

LAW

14. AIR POLLUTION

Calif., enviros sue EPA for scrapping Clinton policy

ENERGY

15. DOE

Bids for emergency grid order are opened for public comment

16. CARBON CAPTURE

EPA grants N.D. authority to oversee CO2 wells

17. ENERGY TECHNOLOGY

BP, Tesla to team up on battery project at wind farm

AIR AND WATER

18. AIR POLLUTION

EPA IG to probe emissions reporting

19. WATER POLLUTION

World's rivers are full of drugs, researchers say

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20. REGULATIONS

EPA watchdog to audit compliance with Trump's 2-for-1 order

21. EPA
- Agency moves to end skin-irritation testing on animals

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- Japan discovers massive rare-earth trove in seabed
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- Brewing giant finds greener way to add bubbles to beer

24. AGRICULTURE
- Don't expect breakthrough on costly citrus greening — report

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27. IDAHO
- 'Bizarre' case of 51 dead geese in a parking lot

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Union joins campaign to 'Boot Pruitt'

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**To:** Leopold, Matt[Leopold.Matt@epa.gov]  
**From:** Minoli, Kevin  
**Sent:** Wed 4/11/2018 6:35:55 PM  
**Subject:** EPA\_ The story behind the ethics memos on Pruitt's condo lease -- Wednesday,.pdf  
EPA\_ The story behind the ethics memos on Pruitt's condo lease -- Wednesday,.pdf

**To:** Quast, Sylvia[Quast.Sylvia@epa.gov]  
**From:** Minoli, Kevin  
**Sent:** Wed 4/11/2018 6:35:42 PM  
**Subject:** EPA\_ The story behind the ethics memos on Pruitt's condo lease -- Wednesday,.pdf  
EPA\_ The story behind the ethics memos on Pruitt's condo lease -- Wednesday,.pdf

**To:** Fugh, Justina (Fugh.Justina@epa.gov)[Fugh.Justina@epa.gov]  
**Cc:** Packard, Elise[Packard.Elise@epa.gov]  
**From:** Minoli, Kevin  
**Sent:** Fri 3/30/2018 9:42:59 PM  
**Subject:** FW: Review of Lease Agreement  
[Evaluation of Lease Agreement2018-03-30-152600.pdf](#)

Justina- Thank you for your help on this review. I wanted to make sure and send you the final, signed document. Kevin

**Kevin S. Minoli**

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

**From:** Minoli, Kevin  
**Sent:** Friday, March 30, 2018 5:37 PM  
**To:** Leopold, Matt <Leopold.Matt@epa.gov>  
**Subject:** Review of Lease Agreement

Please see the attached. Kevin

**Kevin S. Minoli**

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064





**To:** Leopold, Matt[Leopold.Matt@epa.gov]  
**From:** Minoli, Kevin  
**Sent:** Fri 3/30/2018 9:37:23 PM  
**Subject:** Review of Lease Agreement  
[Evaluation of Lease Agreement2018-03-30-152600.pdf](#)

Please see the attached. Kevin

**Kevin S. Minoli**

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Wilcox, Jahan[wilcox.jahan@epa.gov]  
**From:** Minoli, Kevin  
**Sent:** Thur 4/5/2018 5:08:44 AM  
**Subject:** Re: Statement from Kevin

## Ex. 5 - Deliberative Process

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 5, 2018, at 1:02 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

## Ex. 5 - Deliberative Process

Ryan Jackson  
Chief of Staff  
U.S. EPA

**Ex. 6 - Personal Privacy**

On Apr 5, 2018, at 12:57 AM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

I've been fighting with CNN free now.  
Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 5, 2018, at 12:41 AM, Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)> wrote:

Do you guys have one more moment to get in the phone?

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy

On Apr 5, 2018, at 12:40 AM, Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

I am happy to go on the record on any of these points and that the memo is not saying nor do I believe that information was withheld from me.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

Begin forwarded message:

**From:** "Wilcox, Jahan" <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
**Date:** April 5, 2018 at 12:33:57 AM EDT  
**To:** "[jjacobs68@bloomberg.net](mailto:jjacobs68@bloomberg.net)" <[jjacobs68@bloomberg.net](mailto:jjacobs68@bloomberg.net)>, "[jdlouhy1@bloomberg.net](mailto:jdlouhy1@bloomberg.net)" <[jdlouhy1@bloomberg.net](mailto:jdlouhy1@bloomberg.net)>  
**Cc:** "Minoli, Kevin" <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>  
**Subject:** Statement from Kevin

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

**To:** Biesecker, Michael[MBiesecker@ap.org]  
**From:** Minoli, Kevin  
**Sent:** Fri 4/6/2018 1:10:56 AM  
**Subject:** Re: New statement

I am sorry. I was out this afternoon (not related to the news cycle at all). Here is what we have sent. Jahan Wilcox is the Public Affairs lead on this mater and so other than sending this I ask that you work through him. Thanks, Kevin

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 5, 2018, at 3:57 PM, Biesecker, Michael <MBiesecker@ap.org> wrote:

Hey Kevin. Are you still sending something out?

**From:** Biesecker, Michael  
**Sent:** Thursday, April 05, 2018 1:18 PM  
**To:** 'Minoli.kevin@epa.gov' <Minoli.kevin@epa.gov>  
**Cc:** 'Bowman, Liz' <Bowman.Liz@epa.gov>  
**Subject:** New statement

Kevin,

Liz says you have a new statement regarding the letter you drafted yesterday about Administrator Pruitt's lease. Could you please send it to me.

Thanks,

Michael

<image001.jpg>

**Michael Biesecker**

Investigative Reporter

[mbiesecker@ap.org](mailto:mbiesecker@ap.org)

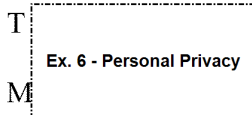
Twitter: @mbieseck

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“I go with Custer and will be at the death.” – AP reporter Mark Kellogg’s final dispatch from the Battle of the Little Bighorn, 1876

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**To:** Emily Holden[eholden@politico.com]  
**From:** Minoli, Kevin  
**Sent:** Thur 4/5/2018 5:01:39 AM  
**Subject:** Re: Can you chat?

Here is what we are saying as an official statement. If you do not think that it is clear or have more questions please do call 202-297-6910.

Begin forwarded message:

**From:** "Wilcox, Jahan" <wilcox.jahan@epa.gov>  
**Date:** April 5, 2018 at 12:51:17 AM EDT  
**To:** "dlippman@politico.com" <dlippman@politico.com>  
**Cc:** "Minoli, Kevin" <Minoli.Kevin@epa.gov>  
**Subject:** Statement from Kevin for Playbook

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 5, 2018, at 12:35 AM, Emily Holden <eholden@politico.com> wrote:

Well we would be happy to make that clear then. Do you disagree with how they characterized it as walking back the earlier memo? Please just let me know when you can provide that/chat so we can get the framing right as we continue to reference other reporters' work. Thanks!

Emily Holden



Reporter, energy/climate

**POLITICO**

[eholden@politico.com](mailto:eholden@politico.com)

Cell: Ex. 6 - Personal Privacy

[@emilyhholden](#)

On Apr 5, 2018, at 12:23 AM, Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

I am working on an official statement and could potentially talk officially then, but I do not believe the CNN article fairly describes my memo.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 4, 2018, at 10:38 PM, Emily Holden <[eholden@politico.com](mailto:eholden@politico.com)> wrote:

Wanted to reach out to you directly, thanks.

Emily Holden

Reporter, energy/climate

**POLITICO**

[eholden@politico.com](mailto:eholden@politico.com)

Cell: Ex. 6 - Personal Privacy

[@emilyhholden](#)

**To:** Christopher Flavelle[cflavelle@bloomberg.net]; Wilcox, Jahan[wilcox.jahan@epa.gov]  
**From:** Minoli, Kevin  
**Sent:** Tue 4/10/2018 3:54:27 PM  
**Subject:** Re: Seeking comment

Christopher- I am writhing regarding your story today where you quote the first sentence of my answer but not the second. That leaves an impression that we do not see any potential ethics issues, which is not accurate.

This hypothetical - or real situation for the Administrator - is not an issue of financial conflicts of interest as that term is defined in the ethics regulations. It is, as my April 4th memorandum indicates, an issue of the impartiality of the employee in the performance of their official duties. All employees have to comply with the impartiality requirements in the ethics regulations from the Administrator to the newest employee, and if they are found to have not complied they would each face potential disciplinary action. My memoranda to date to not evaluate the question of whether the Administrator complied with those requirements as that is matter that the Office of Inspector General has been asked to investigate.

Kevin

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 6, 2018, at 6:15 PM, Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

Hi Christopher- I think there may be some confusion regarding the ethics terms conflict of interest and impartiality. The Office of Government Ethics' website is helpful for that (<https://oge.gov/web/oge/nsf/Resources/A+Refresher+on+the+Impartiality+Rule>), and here is language describing the difference from their site:

"Under the primary conflict of interest law, an employee must not participate in any particular matter affecting the employee's financial interests, and the impartiality rule goes even further by focusing on appearance issues. This rule applies even when the employee is free of financial conflicts of interest.

Briefly stated, the impartiality rule requires an employee to consider appearance concerns before participating in a particular matter if someone close to the employee is involved as a party to that matter. This requirement to refrain from participating (or "recuse") is designed to avoid the appearance of favoritism in government decision-making."

So to answer your question:

No, employees would not be violating any conflicts of interest requirements as the tenant in a hypothetical similar situation. As stated at the end of the April 4<sup>th</sup> Memorandum, however, "[All] federal employee[s] must comply with the Standards of Ethical Conduct, including those relating to impartiality, at all times."

Kevin

**Kevin S. Minoli**

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

**From:** Christopher Flavelle (BLOOMBERG/ NEWSROOM:)

[mailto:[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net)]

**Sent:** Friday, April 06, 2018 5:58 PM

**To:** Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>

**Cc:** Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>

**Subject:** Re: Seeking comment

Thanks. Do you want to address the concern raised to me that an employee engaged in this behavior would likely have been subject to some sort of penalty, on the grounds of a perceived conflict of interest?

Sent from Bloomberg Professional for iPhone

Christopher Flavelle

Climate adaptation reporter, Bloomberg News

[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | @cflav

Direct line: Ex. 6 - Personal Privacy

Signal: Ex. 6 - Personal Privacy

1101 New York Avenue NW

Washington, DC, 20005

----- Original Message -----

From: Jahan Wilcox <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>

To: CHRISTOPHER FLAVELLE

CC: [Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)

At: 06-Apr-2018 17:55:23

Statement from Kevin that we sent out on Thursday:

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

Sent from my iPhone

On Apr 6, 2018, at 5:29 PM, Christopher Flavelle (BLOOMBERG/NEWSROOM:) <[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net)> wrote:

Good afternoon. We're working on a story about what consequences an EPA employee might have faced for entering a similar rental arrangement as Administrator Pruitt.

Union officials and outside government ethics experts say a career staffer would be likely to face some sort of disciplinary action for such an

arrangement, noting that it would create the perception of a conflict of interest. I wondered if your office would like to comment.

Also, is the attached appendix ("Guidance on Corrective Discipline") still in effect?

Best,

Chris

Christopher Flavelle  
Climate adaptation reporter, Bloomberg News  
[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | [@cflav](https://twitter.com/cflav)  
Direct line: Ex. 6 - Personal Privacy  
Signal: Ex. 6 - Personal Privacy  
1101 New York Avenue NW  
Washington, DC, 20005

<Disciplinary Table (Nature of Offenses).pdf>

**To:** Wilcox, Jahan[wilcox.jahan@epa.gov]  
**From:** Minoli, Kevin  
**Sent:** Thur 4/5/2018 5:30:19 PM  
**Subject:** Re: New statement

I will send them to you (and this one too). Thanks, Kevin

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 5, 2018, at 1:25 PM, Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)> wrote:

## Ex. 5 - Deliberative Process

**From:** Minoli, Kevin  
**Sent:** Thursday, April 5, 2018 1:24 PM  
**To:** Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
**Subject:** Fwd: New statement

## Ex. 5 - Deliberative Process

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

Begin forwarded message:

**From:** "Biesecker, Michael" <[MBiesecker@ap.org](mailto:MBiesecker@ap.org)>  
**Date:** April 5, 2018 at 1:18:25 PM EDT  
**To:** "Minoli, Kevin" <[Minoli.kevin@epa.gov](mailto:Minoli.kevin@epa.gov)>  
**Cc:** "Bowman, Liz" <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Subject:** New statement

Kevin,

Liz says you have a new statement regarding the letter you drafted yesterday about Administrator Pruitt's lease. Could you please send it to me.

Thanks,

Michael

<image001.jpg>

**Michael Biesecker**

Investigative Reporter

[mbiesecker@ap.org](mailto:mbiesecker@ap.org)

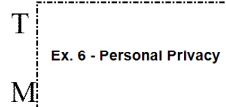
Twitter: @mbieseck

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"I go with Custer and will be at the death." – AP reporter Mark Kellogg's final dispatch from the Battle of the Little Bighorn, 1876

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**To:** Wilcox, Jahan[wilcox.jahan@epa.gov]  
**From:** Minoli, Kevin  
**Sent:** Thur 4/5/2018 4:18:57 AM  
**Subject:** What do you think?

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

**To:** Wilcox, Jahan[wilcox.jahan@epa.gov]  
**From:** Minoli, Kevin  
**Sent:** Thur 4/5/2018 5:24:13 PM  
**Subject:** Fwd: New statement

## Ex. 5 - Deliberative Process

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

Begin forwarded message:

**From:** "Biesecker, Michael" <MBiesecker@ap.org>  
**Date:** April 5, 2018 at 1:18:25 PM EDT  
**To:** "Minoli, Kevin" <Minoli.kevin@epa.gov>  
**Cc:** "Bowman, Liz" <Bowman.Liz@epa.gov>  
**Subject:** New statement

Kevin,

Liz says you have a new statement regarding the letter you drafted yesterday about Administrator Pruitt's lease. Could you please send it to me.

Thanks,

Michael



ASSOCIATED PRESS

**Michael Biesecker**

1100 13 St. NW, Suite 700

Investigative Reporter

Washington, D.C. 20005-4076

[mbiesecker@ap.org](mailto:mbiesecker@ap.org)

Twitter: @mbieseck

[Public Key](#)

T

M

Ex. 6 - Personal Privacy

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**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Minoli, Kevin  
**Sent:** Thur 4/5/2018 2:34:49 PM

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

**To:** Emily Holden[eholden@politico.com]  
**From:** Minoli, Kevin  
**Sent:** Thur 4/5/2018 2:12:11 PM  
**Subject:** Re: Can you chat?

Thank you.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 5, 2018, at 7:11 AM, Emily Holden <[eholden@politico.com](mailto:eholden@politico.com)> wrote:

My apologies, I finally fell asleep last night expecting that there was no way you'd get anyone a statement at 1 am. We're including it in a story now.

Emily Holden

Reporter, energy/climate

**POLITICO**

[eholden@politico.com](mailto:eholden@politico.com)

Cell: Ex. 6 - Personal Privacy

[@emilyhholden](mailto:@emilyhholden)

On Apr 5, 2018, at 1:01 AM, Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

Here is what we are saying as an official statement. If you do not think that it is clear or have more questions please do call Ex. 6 - Personal Privacy  
Begin forwarded message:

**From:** "Wilcox, Jahan" <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
**Date:** April 5, 2018 at 12:51:17 AM EDT  
**To:** "[dlippman@politico.com](mailto:dlippman@politico.com)" <[dlippman@politico.com](mailto:dlippman@politico.com)>  
**Cc:** "Minoli, Kevin" <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>  
**Subject:** Statement from Kevin for Playbook

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 5, 2018, at 12:35 AM, Emily Holden <[eholden@politico.com](mailto:eholden@politico.com)> wrote:

Well we would be happy to make that clear then. Do you disagree with how they characterized it as walking back the earlier memo? Please just let me know when you can provide that/chat so we can get the framing right as we continue to reference other reporters' work. Thanks!

Emily Holden

Reporter, energy/climate

**POLITICO**

[eholden@politico.com](mailto:eholden@politico.com)

Cell Ex. 6 - Personal Privacy

[@emilyhholden](https://twitter.com/emilyhholden)

On Apr 5, 2018, at 12:23 AM, Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

I am working on an official statement and could potentially talk officially then, but I do not believe the CNN article fairly describes my memo.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 4, 2018, at 10:38 PM, Emily Holden <[eholden@politico.com](mailto:eholden@politico.com)>  
wrote:

Wanted to reach out to you directly, thanks.

Emily Holden

Reporter, energy/climate

**POLITICO**

[eholden@politico.com](mailto:eholden@politico.com)

Cell: Ex. 6 - Personal Privacy

[@emilyhholden](mailto:@emilyhholden)

**To:** Justina Fugh  
**From:** Minoli, Kevin  
**Sent:** Fri 3/30/2018 4:43:52 AM  
**Subject:** Re: I was asked to speak on the record to Bloomberg News tonight

Ex. 6 - Personal Privacy

## Ex. 5 - Deliberative Process

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Mar 30, 2018, at 12:37 AM, Justina Fugh <Ex. 6 - Personal Privacy> wrote:

Hi Kevin (and OGC/Ethics team),

I am writing to confirm what happened earlier this evening. I am using my personal email because I don't have my EPA computer at home, and this message is too long for me to competently type on my EPA iphone.

I spoke to Matt Leopold and Ryan Jackson at about 8:45 pm, who wanted to talk about the Administrator's living arrangements from about February to September 2017. They explained that Mr. Pruitt had rented a room in a house on Capitol Hill that was not usually used for living space (but rather for parties or other events). The house is owned by a couple, one of whom is a federally registered lobbyist. At least one of them has donated in the past to Mr. Pruitt's campaign. They consider themselves to be friends. Mr. Pruitt signed a lease, portions of which were read to me over the phone. He was not given unfettered access to the entire property but rather had access to and use of just one room that had a shared bathroom with another room. He paid rent of \$50 per night he was in residence. Though initially he thought he would stay for only a couple of months, he stayed for about 5.5 months. He has since moved to another place (I gather now with Mrs. Pruitt, since the younger kid is now in college and the older kid is in law school). Matt and Ryan said they had before them several cancelled checks from Mr. Pruitt to the landlord for his rent, totalling about \$6600. Thus, Mr. Pruitt paid rent of about \$1100 per month for what I think of as a "flop house" room.

I was asked if this arrangement constituted an impermissible gift, and concluded that it did not. Mr. Pruitt paid a rental fee for his living space that was offered to him by a personal friend. This arrangement seemed to me to be a routine transaction and, even if it were a gift, it's still permissible under the "personal friendship"



exception. The fact that the friend is a lobbyist did not alter my conclusion. The personal friend exception is permissible under the ethics pledge.

Ryan then asked me to speak on the record to Bloomberg News. Matt and Ryan, joined by Jahan Wilcox, called me back and then connected the reporter. The reporter, whose name was Jennifer Jacobs (I think), asked me to explain why Mr. Pruitt's living arrangement was not a gift. I said that I am a career employee of the agency and have been the ethics counsel for a dozen years, and that Mr. Pruitt paid a reasonable rent for what he received. If you have a routine consumer transaction and pay the price, then it's not a gift. I gathered that she was inferring a concern under the lobbying gift ban, so explained that this language of the Trump pledge is identical to what appeared in the Obama pledge and that, under both pledges, the "personal friendship" exception exists. But in this case, Mr. Pruitt paid rent rather than get something for free. She asked me if I had seen "with [my] own eyes" the cancelled checks, and I said no, because I was sitting in a movie theater at that moment. She asked to see the checks, which concerned me because of the personal privacy information. Besides, the checks are not EPA records that would be released under FOIA. Jahan then volunteered that EPA would get her the checks that prove Mr. Pruitt had paid \$6600 in rent. I asked them to be sure to redact the account, routing and personal address information on those checks first.

I was asked to confirm my name and affirmed that I did not believe there is an ethics issue here based on what I know. So if you happen to see a story in the news tomorrow, you'll know my version first.

Justina

PS -- I missed the first 10 minutes of the movie, but since I'd read the book, it wasn't hard to catch up.

**To:** WShaub@campaignlegalcenter.org[WShaub@campaignlegalcenter.org]  
**From:** Minoli, Kevin  
**Sent:** Wed 4/4/2018 11:15:21 PM  
**Subject:** Evaluation of Lease Agreement2018-03-30-152600.pdf  
Evaluation of Lease Agreement2018-03-30-152600.pdf  
ATT00001.htm

**To:** Walter Shaub[WShaub@campaignlegalcenter.org]  
**From:** Minoli, Kevin  
**Sent:** Wed 4/4/2018 10:52:32 PM  
**Subject:** RE: memorandum of 30 March 2018  
[Record Re Review of Lease2018-04-04-163433.pdf](#)

Walter, Please see the attached, which I believe answers your questions. Thank you, Kevin

**Kevin S. Minoli**

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

**From:** Walter Shaub [mailto:WShaub@campaignlegalcenter.org]  
**Sent:** Tuesday, April 03, 2018 1:50 PM  
**To:** Minoli, Kevin <Minoli.Kevin@epa.gov>  
**Subject:** memorandum of 30 March 2018

Kevin,

I'm looking at your March 30, 2018 memorandum with the subject line "Review of Lease Agreement Under the Federal Ethics Regulations Regarding Gifts." I'm hoping you might be able to answer a few questions about the memorandum.

1. Can you tell me how you arrived at the conclusion that \$50 per night was consistent with market value in the neighborhood in which the residence is located?
2. Was your market value assessment based on an assumption that he was leasing only one

room in the residence or that he was leasing the whole residence?

3. You write at the end of your letter that, “[U]se of the property in accordance with the lease agreement did not constitute a gift as a defined in those regulations.”

a. Does this language reflect a factual determination that Administrator Pruitt did, in fact, use the property only in accordance with the lease agreement?

b. If not, why did you limit your analysis to the lease terms and not the history of how the property was actually used?

4. Who suggested that you sign a written memorandum? Or, if no one suggested it, why did you feel the need to provide a written analysis that could be released in response to the public criticism of the Administrator?

Walt



**Walter M. Shaub, Jr.**

Senior Director, Ethics

**Ex. 6 - Personal Privacy** | @CampaignLegal

Campaign Legal Center  
1411 K St. NW, Suite 1400  
Washington, DC 20005  
[campaignlegalcenter.org](http://campaignlegalcenter.org)

[Facebook](#) | [Twitter](#)



**To:** Leopold, Matt[Leopold.Matt@epa.gov]  
**From:** Minoli, Kevin  
**Sent:** Wed 4/4/2018 7:54:57 PM  
**Subject:** Draft

Left you a complete set: Draft Memo, and each of the four exhibits. Mahri has an extra set minute the lease in case you need it for anyone. Will be back 5:15.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

**To:** Fugh, Justina (Fugh.Justina@epa.gov)[Fugh.Justina@epa.gov]  
**From:** Minoli, Kevin  
**Sent:** Wed 4/4/2018 7:20:07 PM  
**Subject:** Record for "Review of Lease Agreement Under the Federal Ethics Regulations Regarding Gifts".docx  
Record for "Review of Lease Agreement Under the Federal Ethics Regulations Regarding Gifts".docx

**To:** Walter Shaub[WShaub@campaignlegalcenter.org]; Fugh, Justina[Fugh.Justina@epa.gov]  
**From:** Minoli, Kevin  
**Sent:** Wed 4/4/2018 5:59:03 PM  
**Subject:** RE: Clarification of and Record For Review of Lease.docx

I am sorry, confusion on our end. In light of your incoming question regarding the language in the March 30 memo, I wanted to ensure we effectively resolved that confusion as to scope. We were not sending the entire document as it is in development and so that's why you do not see everything you might have expected. If you could give me a quick call that would be great.  
Thanks, Kevin

**Kevin S. Minoli**

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

**From:** Walter Shaub [mailto:WShaub@campaignlegalcenter.org]  
**Sent:** Wednesday, April 04, 2018 1:40 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Cc:** Minoli, Kevin <Minoli.Kevin@epa.gov>  
**Subject:** Re: Clarification of and Record For Review of Lease.docx

This confuses me. My understanding was that Kevin believed the lease entitled the Administrator to occupy only one room in the residence, and he mentioned to me in our conversation that he assessed comparables by looking up Air B&B rates for renting one room in a residence. In fact, he showed me a printout that he had converted to PDF. So I'm confused by the discussion at the end of this draft memo that discusses average rates for renting whole residences. Did I misunderstand Kevin? In other words, was the ethics analysis based on occupying one room or was it based on renting the whole residence? If so, why does this draft say otherwise? Will the memo include the PDF he showed me as an attachment?

Sent from my iPhone

On Apr 4, 2018, at 1:24 PM, Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)> wrote:



Hi Walt,

Kevin Minoli asked me to forward this draft along to you.

Justina

**From:** Minoli, Kevin

**Sent:** Wednesday, April 04, 2018 1:21 PM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Subject:** Clarification of and Record For Review of Lease.docx

<Clarification of and Record For Review of Lease.docx>

**To:** Fugh, Justina (Fugh.Justina@epa.gov)[Fugh.Justina@epa.gov]  
**From:** Minoli, Kevin  
**Sent:** Wed 4/4/2018 5:21:14 PM  
**Subject:** Clarification of and Record For Review of Lease.docx  
Clarification of and Record For Review of Lease.docx

**To:** Christopher Flavelle[cflavelle@bloomberg.net]; Wilcox, Jahan[wilcox.jahan@epa.gov]  
**From:** Minoli, Kevin  
**Sent:** Fri 4/6/2018 11:14:48 PM  
**Subject:** RE: Seeking comment

Chris- Thank you for the opportunity, but I will rest on our previous comments. Kevin

**Kevin S. Minoli**

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

**From:** Christopher Flavelle (BLOOMBERG/ NEWSROOM:) [mailto:cflavelle@bloomberg.net]  
**Sent:** Friday, April 06, 2018 7:03 PM  
**To:** Wilcox, Jahan <wilcox.jahan@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>  
**Subject:** RE: Seeking comment

Thanks Kevin. I've been talking to Brenda Mallory about this; she says that 1) individual managers have significant discretion in dealing with ethics issues for non-political staff, and 2) the impartiality question is hard to judge. Those factors both seem to point to the possibility of variation in enforcement (and even variation in the perception of a conflict), which in turn suggest that somebody who isn't the administrator might face consequences that the administrator has not. Is that wrong?

Also, Meredith McGehee at Issue One told me that she's concerned about the ability of somebody in your position to address the ethics of an agency head's actions, given that you may face career ramifications for ruling against (in this case) the administrator. (Her concern is structural, not personal.) She says that's why there ought to be rules automatically referring such cases to OGE, because the DAEO has an incentive to "self-censor." Do you want to respond to that?

Best,

Chris

Sent from Bloomberg Professional for iPhone

Christopher Flavelle  
Climate adaptation reporter, Bloomberg News  
[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | @cflav  
Direct line: Ex. 6 - Personal Privacy  
Signal: Ex. 6 - Personal Privacy  
1101 New York Avenue NW  
Washington, DC, 20005

----- Original Message -----

From: Kevin Minoli <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>  
To: CHRISTOPHER FLAVELLE, [wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)  
At: 06-Apr-2018 18:15:38

Hi Christopher- I think there may be some confusion regarding the ethics terms conflict of interest and impartiality. The Office of Government Ethics' website is helpful for that (<https://oge.gov/web/oge.nsf/Resources/A+Refresher+on+the+Impartiality+Rule>), and here is language describing the difference from their site:

"Under the primary conflict of interest law, an employee must not participate in any particular matter affecting the employee's financial interests, and the impartiality rule goes even further by focusing on appearance issues. This rule applies even when the employee is free of financial conflicts of interest.

Briefly stated, the impartiality rule requires an employee to consider appearance concerns before participating in a particular matter if someone close to the employee is involved as a party to that matter. This requirement to refrain from participating (or "recuse") is designed to avoid the appearance of favoritism in government decision-making."

So to answer your question:

No, employees would not be violating any conflicts of interest requirements as the tenant in a hypothetical similar situation. As stated at the end of the April 4<sup>th</sup> Memorandum, however, "[All] federal employee[s] must comply with the Standards of Ethical Conduct, including those relating to impartiality, at all times."

Kevin

**Kevin S. Minoli**

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

**From:** Christopher Flavelle (BLOOMBERG/ NEWSROOM:)

[mailto:[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net)]

**Sent:** Friday, April 06, 2018 5:58 PM

**To:** Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>

**Cc:** Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>

**Subject:** Re: Seeking comment

Thanks. Do you want to address the concern raised to me that an employee engaged in this behavior would likely have been subject to some sort of penalty, on the grounds of a perceived conflict of interest?

Sent from Bloomberg Professional for iPhone

Christopher Flavelle

Climate adaptation reporter, Bloomberg News

[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | @cflav

Direct line: Ex. 6 - Personal Privacy

Signal: Ex. 6 - Personal Privacy

1101 New York Avenue NW

Washington, DC, 20005

----- Original Message -----

From: Jahan Wilcox <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>

To: CHRISTOPHER FLAVELLE

CC: [Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)

At: 06-Apr-2018 17:55:23

Statement from Kevin that we sent out on Thursday:

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

Sent from my iPhone

On Apr 6, 2018, at 5:29 PM, Christopher Flavelle (BLOOMBERG/NEWSROOM:) <[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net)> wrote:

Good afternoon. We're working on a story about what consequences an EPA employee might have faced for entering a similar rental arrangement as Administrator Pruitt.

Union officials and outside government ethics experts say a career staffer would be likely to face some sort of disciplinary action for such an arrangement, noting that it would create the perception of a conflict of interest. I wondered if your office would like to comment.

Also, is the attached appendix ("Guidance on Corrective Discipline") still in effect?

Best,

Chris

Christopher Flavelle  
Climate adaptation reporter, Bloomberg News  
[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | @cflav  
Direct line: Ex. 6 - Personal Privacy  
Signal: Ex. 6 - Personal Privacy  
1101 New York Avenue NW  
Washington, DC, 20005

<Disciplinary Table (Nature of Offenses).pdf>

**To:** Christopher Flavelle[cflavelle@bloomberg.net]; Wilcox, Jahan[wilcox.jahan@epa.gov]  
**From:** Minoli, Kevin  
**Sent:** Fri 4/6/2018 10:15:34 PM  
**Subject:** RE: Seeking comment

Hi Christopher- I think there may be some confusion regarding the ethics terms conflict of interest and impartiality. The Office of Government Ethics' website is helpful for that (<https://oge.gov/web/oge.nsf/Resources/A+Refresher+on+the+Impartiality+Rule>), and here is language describing the difference from their site:

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So to answer your question:

No, employees would not be violating any conflicts of interest requirements as the tenant in a hypothetical similar situation. As stated at the end of the April 4<sup>th</sup> Memorandum, however, "[All] federal employee[s] must comply with the Standards of Ethical Conduct, including those relating to impartiality, at all times."

Kevin

**Kevin S. Minoli**

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency



Main Office Line: 202-564-8064

**From:** Christopher Flavelle (BLOOMBERG/ NEWSROOM:) [mailto:cflavelle@bloomberg.net]  
**Sent:** Friday, April 06, 2018 5:58 PM  
**To:** Wilcox, Jahan <wilcox.jahan@epa.gov>  
**Cc:** Minoli, Kevin <Minoli.Kevin@epa.gov>  
**Subject:** Re: Seeking comment

Thanks. Do you want to address the concern raised to me that an employee engaged in this behavior would likely have been subject to some sort of penalty, on the grounds of a perceived conflict of interest?

Sent from Bloomberg Professional for iPhone

Christopher Flavelle  
Climate adaptation reporter, Bloomberg News  
[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | @cflav  
Direct line: Ex. 6 - Personal Privacy  
Signal: Ex. 6 - Personal Privacy  
1101 New York Avenue NW  
Washington, DC, 20005

----- Original Message -----

From: Jahan Wilcox <wilcox.jahan@epa.gov>  
To: CHRISTOPHER FLAVELLE  
CC: [Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)  
At: 06-Apr-2018 17:55:23

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Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency

Sent from my iPhone

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Union officials and outside government ethics experts say a career staffer would be likely to face some sort of disciplinary action for such an arrangement, noting that it would create the perception of a conflict of interest. I wondered if your office would like to comment.

Also, is the attached appendix ("Guidance on Corrective Discipline") still in effect?

Best,

Chris

Christopher Flavelle  
Climate adaptation reporter, Bloomberg News  
[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | @cflav  
Direct line: Ex. 6 - Personal Privacy  
Signal: Ex. 6 - Personal Privacy  
1101 New York Avenue NW  
Washington, DC, 20005

<Disciplinary Table (Nature of Offenses).pdf>



**To:** Leopold, Matt[Leopold.Matt@epa.gov]  
**From:** Minoli, Kevin  
**Sent:** Tue 4/3/2018 3:30:13 AM  
**Subject:** Fwd: Press Statements Regarding the Friday Memo

Matt- I wanted to make sure you had a copy of my reply to Ryan in case he asks you about it.  
Thanks, Kevin

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

Begin forwarded message:

**From:** "Minoli, Kevin" <Minoli.Kevin@epa.gov>  
**Date:** April 2, 2018 at 11:28:40 PM EDT  
**To:** "Jackson, Ryan" <jackson.ryan@epa.gov>  
**Subject:** Re: Press Statements Regarding the Friday Memo

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

Thanks, Kevin

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Apr 2, 2018, at 11:01 PM, Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)> wrote:

# Ex. 5 - Deliberative Process

Ryan Jackson  
Chief of Staff  
U.S. EPA

**Ex. 6 - Personal Privacy**

Begin forwarded message:

**From:** "Wilcox, Jahan" <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
**Date:** April 2, 2018 at 10:55:46 PM EDT  
**To:** "Jackson, Ryan" <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Subject:** Fwd: Press Statements Regarding the Friday Memo

Sent from my iPhone

Begin forwarded message:

**From:** "Minoli, Kevin" <Minoli.Kevin@epa.gov>  
**Date:** April 2, 2018 at 10:49:21 PM EDT  
**To:** "Bowman, Liz" <Bowman.Liz@epa.gov>, "Wilcox, Jahan" <wilcox.jahan@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>  
**Cc:** "Leopold, Matt" <Leopold.Matt@epa.gov>, "Fugh, Justina" <Fugh.Justina@epa.gov>  
**Subject:** Press Statements Regarding the Friday Memo

Hi Folks- I want to make sure that whenever the agency is referring to the memo that I wrote on Friday we are referring to it in a way that is consistent with what it does and does not indicate that the memo does more than it did.

Today was the first day where I saw articles asking about specific actions the agency or the Administrator may have taken that have some alleged or real connection to the people were connected to the apartment. The memo from Friday in no way speaks to those actions, either by in endorsing them or calling them in the question. The memo addressed only the questions of whether the act of signing the lease or living in the space as described in the lease amounted to a prohibited gift. I stand behind my conclusion they were not.

The ethics rules and obligations continue to apply to any action the agency and the Administrator has taken or will take, however, and the fact that he has entered into a lease with Vicki Hart on behalf of 233C LLC may or may not be relevant to understanding how the ethics rules apply to any particular action. We have not been asked to advise on any particular action that has been taken or provide guidance on future actions, and so the memo cannot be cited in response to questions raised about actions other than signing the lease and living in the space consistent with the lease.

Again, I am happy to work with folks on specific statements as they arise or on a generic one that can be used whenever questions like these come in. Let me know how to help with those if you are interested.

Thanks, Kevin

**Pruitt Had a \$50-a-Day Condo Linked to Lobbyists. Their Client's Project Got Approved.**

The New York Times

The E.P.A. chief was using an apartment partly owned by the wife of the chairman of the lobbying firm as its client sought the agency's sign off on a pipeline project. [Read the full story](#)

Shared from [Apple News](#)

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Minoli, Kevin  
**Sent:** Tue 4/3/2018 3:28:41 AM  
**Subject:** Re: Press Statements Regarding the Friday Memo

# Ex. 5 - Deliberative Process

Thanks, Kevin

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency



Main Office Line: 202-564-8040

On Apr 2, 2018, at 11:01 PM, Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)> wrote:

## Ex. 5 - Deliberative Process

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy

Begin forwarded message:

**From:** "Wilcox, Jahan" <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
**Date:** April 2, 2018 at 10:55:46 PM EDT  
**To:** "Jackson, Ryan" <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Subject:** Fwd: Press Statements Regarding the Friday Memo

Sent from my iPhone

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**From:** "Minoli, Kevin" <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>  
**Date:** April 2, 2018 at 10:49:21 PM EDT  
**To:** "Bowman, Liz" <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>, "Wilcox, Jahan" <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>, "Grantham, Nancy" <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Cc:** "Leopold, Matt" <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>, "Fugh, Justina" <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** Press Statements Regarding the Friday Memo

Hi Folks- I want to make sure that whenever the agency is referring to the memo

that I wrote on Friday we are referring to it in a way that is consistent with what it does and does not indicate that the memo does more than it did.

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Again, I am happy to work with folks on specific statements as they arise or on a generic one that can be used whenever questions like these come in. Let me know how to help with those if you are interested.

Thanks, Kevin

**Pruitt Had a \$50-a-Day Condo Linked to Lobbyists. Their Client's Project Got Approved.**

The New York Times

The E.P.A. chief was using an apartment partly owned by the wife of the chairman of the lobbying firm as its client sought the agency's sign off on a pipeline project. [Read the full story](#)

Shared from [Apple News](#)

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

**Cc:** Leopold, Matt[Leopold.Matt@epa.gov]; Fugh, Justina[Fugh.Justina@epa.gov]  
**To:** Bowman, Liz[Bowman.Liz@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]  
**From:** Minoli, Kevin  
**Sent:** Tue 4/3/2018 2:49:21 AM  
**Subject:** Press Statements Regarding the Friday Memo

Hi Folks- I want to make sure that whenever the agency is referring to the memo that I wrote on Friday we are referring to it in a way that is consistent with what it does and does not indicate that the memo does more than it did.

Today was the first day where I saw articles asking about specific actions the agency or the Administrator may have taken that have some alleged or real connection to the people were connected to the apartment. The memo from Friday in no way speaks to those actions, either by in endorsing them or calling them in the question. The memo addressed only the questions of whether the act of signing the lease or living in the space as described in the lease amounted to a prohibited gift. I stand behind my conclusion they were not.

The ethics rules and obligations continue to apply to any action the agency and the Administrator has taken or will take, however, and the fact that he has entered into a lease with Vicki Hart on behalf of 233C LLC may or may not be relevant to understanding how the ethics rules apply to any particular action. We have not been asked to advise on any particular action that has been taken or provide guidance on future actions, and so the memo cannot be cited in response to questions raised about actions other than signing the lease and living in the space consistent with the lease.

Again, I am happy to work with folks on specific statements as they arise or on a generic one that can be used whenever questions like these come in. Let me know how to help with those if you are interested.

Thanks, Kevin

**Pruitt Had a \$50-a-Day Condo Linked to Lobbyists. Their Client's Project Got Approved.**  
The New York Times

The E.P.A. chief was using an apartment partly owned by the wife of the chairman of the lobbying firm as its client sought the agency's sign off on a pipeline project. [Read the full story](#)

Shared from [Apple News](#)

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel

US Environmental Protection Agency  
Main Office Line: 202-564-8040

**To:** Grantham, Nancy[Grantham.Nancy@epa.gov]  
**From:** Minoli, Kevin  
**Sent:** Fri 4/6/2018 9:59:34 PM  
**Subject:** FW: Seeking comment

**Kevin S. Minoli**

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

**From:** Minoli, Kevin  
**Sent:** Friday, April 06, 2018 5:59 PM  
**To:** Wilcox, Jahan <wilcox.jahan@epa.gov>  
**Subject:** FW: Seeking comment

Can we chat about this one: 202-564-5551

**Kevin S. Minoli**

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

**From:** Christopher Flavelle (BLOOMBERG/ NEWSROOM:) [<mailto:cflavelle@bloomberg.net>]

**Sent:** Friday, April 06, 2018 5:58 PM  
**To:** Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
**Cc:** Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>  
**Subject:** Re: Seeking comment

Thanks. Do you want to address the concern raised to me that an employee engaged in this behavior would likely have been subject to some sort of penalty, on the grounds of a perceived conflict of interest?

Sent from Bloomberg Professional for iPhone

Christopher Flavelle  
Climate adaptation reporter, Bloomberg News  
[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | @cflav  
Direct line: Ex. 6 - Personal Privacy  
Signal: Ex. 6 - Personal Privacy  
1101 New York Avenue NW  
Washington, DC, 20005

----- Original Message -----

From: Jahan Wilcox <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
To: CHRISTOPHER FLAVELLE  
CC: [Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)  
At: 06-Apr-2018 17:55:23

Statement from Kevin that we sent out on Thursday:

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli  
Principal Deputy General Counsel  
Office of General Counsel

US Environmental Protection Agency

Sent from my iPhone

On Apr 6, 2018, at 5:29 PM, Christopher Flavelle (BLOOMBERG/ NEWSROOM:) <[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net)> wrote:

Good afternoon. We're working on a story about what consequences an EPA employee might have faced for entering a similar rental arrangement as Administrator Pruitt.

Union officials and outside government ethics experts say a career staffer would be likely to face some sort of disciplinary action for such an arrangement, noting that it would create the perception of a conflict of interest. I wondered if your office would like to comment.

Also, is the attached appendix ("Guidance on Corrective Discipline") still in effect?

Best,

Chris

Christopher Flavelle  
Climate adaptation reporter, Bloomberg News  
[cflavelle@bloomberg.net](mailto:cflavelle@bloomberg.net) | [@cflav](https://twitter.com/cflav)  
Direct line: Ex. 6 - Personal Privacy  
Signal: Ex. 6 - Personal Privacy  
1101 New York Avenue NW  
Washington, DC, 20005

<Disciplinary Table (Nature of Offenses).pdf>

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** DC-WJCN-4020-M@epa.gov  
**Sent:** Fri 4/6/2018 6:02:33 PM  
[image2018-04-06-140233.pdf](#)



**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** DC-WJCN-4020-M@epa.gov  
**Sent:** Wed 4/4/2018 8:34:33 PM  
Record Re Review of Lease2018-04-04-163433.pdf

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** DC-WJCN-4020-M@epa.gov  
**Sent:** Fri 4/6/2018 10:21:46 PM  
[17332018-04-06-182146.pdf](#)

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** DC-WJCN-4020-M@epa.gov  
**Sent:** Fri 4/6/2018 10:20:53 PM  
[15032018-04-06-182053.pdf](#)

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** DC-WJCN-4020-M@epa.gov  
**Sent:** Fri 4/6/2018 10:19:25 PM  
[3712018-04-06-181925.pdf](#)

**To:** Leopold, Matt[Leopold.Matt@epa.gov]  
**From:** Minoli, Kevin  
**Sent:** Wed 4/4/2018 11:30:33 PM  
**Subject:** Memorandum  
Record Re Review of Lease2018-04-04-163433.pdf

**Kevin S. Minoli**

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

**From:** DC-WJCN-4020-M@epa.gov [mailto:DC-WJCN-4020-M@epa.gov]  
**Sent:** Wednesday, April 04, 2018 4:35 PM  
**To:** Minoli, Kevin <Minoli.Kevin@epa.gov>  
**Subject:**

**To:** Hupp, Millan[hupp.millan@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]  
**From:** Wooden-Aguilar, Helena  
**Sent:** Thur 4/5/2018 3:21:43 PM  
**Subject:** Fwd: Request for comment please

Helena Wooden-Aguilar

Acting Deputy Chief of Staff

Office of the Administrator

U.S. Environmental Protection Agency

202-564-0792 (office)

Ex. 6 - Personal Privacy (mobile)

[wooden-aguilar.helena@epa.gov](mailto:wooden-aguilar.helena@epa.gov)

Begin forwarded message:

**From:** "Grantham, Nancy" <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Date:** April 5, 2018 at 10:57:32 AM EDT  
**To:** "Wooden-Aguilar, Helena" <[Wooden-Aguilar.Helena@epa.gov](mailto:Wooden-Aguilar.Helena@epa.gov)>  
**Subject:** FW: Request for comment please

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

Ex. 6 - Personal Privacy (mobile)

**From:** Friedman, Lisa [<mailto:lisa.friedman@nytimes.com>]  
**Sent:** Thursday, April 05, 2018 10:02 AM  
**To:** Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>;  
Press <[Press@epa.gov](mailto:Press@epa.gov)>  
**Subject:** Request for comment please

Hi Jahan and Liz

We are finishing work on a story about the EPA that addresses concerns that were raised by certain HQ staff members related to travel, office spending and issues related to security protocols by the Office of the Administrator.

The story notes how four individuals who raised these objections--Kevin Chmielewski, John E. Reeder and Reginald E. Allen, and Eric Weese--were later transferred to different jobs, or moved on their own to a different job after being told to find a new role, or in Kevin's case, put on leave.

We know that there are different circumstances involving each of these individuals, three of whom are career and one is political. But we wanted to go in detail here through some of the issues that these staff members raised and then the way their jobs were shifted after they raised these issues.

We welcome your specific responses to these issues. But we need any response you want to offer by 3 p.m. today, Thursday, April 5.

Here are the specific factual assertions I welcome you to address;

++ Mr. Chmielewski objected to a proposal to buy a charter aircraft membership for \$100,000-per-month that would have allowed Mr. Pruitt to take an unlimited number of private jet trips for official business

++ One of these staff members objected to a proposal to spend more than \$70,000 to replace the desks in Mr. Pruitt's office suite, including both the administrator's personal desk and one at a security station just outside his office. Pasquale Perrotta argued that the desks should be replaced with a bullet-proof model. This purchase did not go ahead. Instead, a brown-maple wood stand-up desk, was purchased from an Ohio craftsman and a separate desk retrieved a federal government warehouse in Virginia and was refurbished at a cost of \$2,075 for Mr. Pruitt

++ The security detail lead questioned Mr. Pruitt's desire to utilize use of lights and sirens in his motorcade if he

was running late, like on his way to a restaurant or airport. In at least one case, Mr. Pruitt wanted these used on his way to Le Diplomate,

++ A member of the security detail also made it be known that he would be reluctant to sign off on requests—which were part of his job to review—for authorization for Mr. Pruitt to fly first class, based on security concerns. Only after Mr. Perrotta took over as security detail lead did Mr. Pruitt begin to regularly fly first class.

++ Others questioned the need for an approximately 20 person security detail team, that provided 24-7 coverage, instead of 5 person "portal to portal" team with the prior EPA administrator.

++ At least one senior staffer questioned the need for the expenses associated with sound proof both, suggesting instead that a broom closet could be used at a total cost of about \$10,000, instead of the final cost for the actual booth of about \$43,000

As an aside, we know of the allegations raised against Mr. Chmielewski related to his security clearance that the IG investigated and found were not substantiated. We also know of complaints that he was hard to reach while he was out of the office doing advance work for the VP.

Finally a few additional questions.

1) There is a rumor going around in Washington that Mr. Pruitt used the Vicki Hart condo as part of an effort to have an affair with Samantha Dravis. We wanted to be direct and ask if there is any truth to this. Please advise.

2) What message does it send to the American public if Mr. Pruitt switches his security detail chief and two other career officials involved with overseeing expenses and a political appointee who did the same thing, after these individuals raise concerns about spending and security practices? Was this appropriate?

3) Should Mr. Pruitt resign based on the series of questions that have been raised about his performance and if not why not?

Thanks very much - I'm on my cell,

Lisa

--



Lisa Friedman

Reporter, New York Times

(202) **Ex. 6 - Personal Privacy**

(202) **Ex. 6 - Personal Privacy**

**To:** Hupp, Millan[hupp.millan@epa.gov]  
**From:** Ferguson, Lincoln  
**Sent:** Thur 4/5/2018 2:13:48 PM  
**Subject:** Fwd: Request for comment please

Sent from my iPhone

Begin forwarded message:

**From:** "Wilcox, Jahan" <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
**Date:** April 5, 2018 at 10:09:09 AM EDT  
**To:** "Jackson, Ryan" <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>, "Kelly, Albert" <[kelly.albert@epa.gov](mailto:kelly.albert@epa.gov)>, "Ferguson, Lincoln" <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>, "Bowman, Liz" <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>, "Leopold, Matt" <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>  
**Subject:** Fwd: Request for comment please

Matt and Lincoln - can you work together on how to respond.

Sent from my iPhone

Begin forwarded message:

**From:** "Friedman, Lisa" <[lisa.friedman@nytimes.com](mailto:lisa.friedman@nytimes.com)>  
**Date:** April 5, 2018 at 10:01:48 AM EDT  
**To:** Jahan Wilcox <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>, "Bowman, Liz" <[bowman.liz@epa.gov](mailto:bowman.liz@epa.gov)>, Press <[press@epa.gov](mailto:press@epa.gov)>  
**Subject:** Request for comment please

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--

Lisa Friedman  
Reporter, New York Times

Ex. 6 - Personal Privacy office  
Ex. 6 - Personal Privacy cell